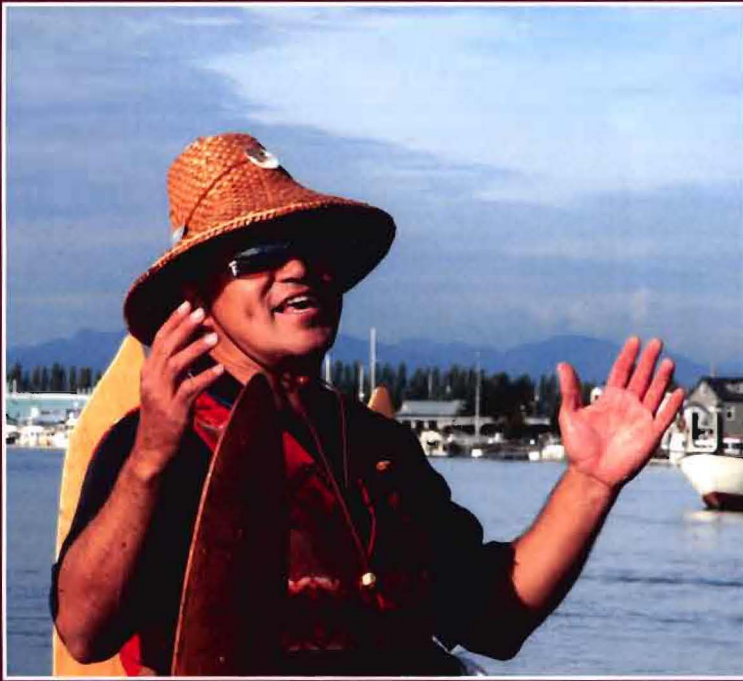




**SWINOMISH INDIAN TRIBAL COMMUNITY**  
**ANNUAL REPORT 2007**





Once again, I thank God for giving me the opportunity and the great responsibility to be the leader of the Swinomish Tribe. We are living in a time where we are able to provide more services and hire more tribal members than ever before. This is the day our elders were looking forward to when they laid the great foundation for the leaders today to build on.

The biggest accomplishment of the Tribe in 2007 was the Tallawhalt housing project. We finished the infrastructure necessary to begin construction of the 22 homes we

want to have completed by the middle of 2008. This is just the first phase and we hope to start the second phase as soon as possible. By the time of our General Council, half of the families will have already moved into their new homes.

I want to offer special thanks to the Tallawhalt Committee for all the hard work they put into making this one of the most successful projects ever for the Swinomish Community. It was no easy process for them, there were more than a few challenges along the way and the Committee deserves a lot of credit for what they were able to accomplish for their people.

Tallawhalt is the largest housing project the Tribe has ever been able to finance. We bought the land, picked a contractor, did the infrastructure, chose the house designs and are financing all the homes. Because this project was totally financed by the Tribe we were able to require all applicants to pass a drug test. With this type of investment we thought this would be a great way to create a drug free community.

Our enterprises continue to provide the tribe with much needed revenue to help operate all the programs we have to offer to our members. Commercial activities are always challenging and subject to economic forces around us. We will continue to explore new ways to ensure the continued success of our existing enterprises and to look for new opportunities for the Tribe.



Front Cover: Left to right, Alethia Edwards baby, Jerome Toby; Amy Edwards, Caroline Edwards, and Elder Adeline Black.



*The Tribal Senate has a goal of providing as many services as possible for our tribal members from the time they are born until the time they pass on. We need to make sure we take care of the ones who need the most help. Our elders passed on to us the importance of caring and sharing with one another. Every day your elected leaders work with those goals in mind and I'm honored to serve with such fine leaders. I truly believe there is not a better, more dedicated group of tribal leaders anywhere in Indian Country.*

*My hands go up to our staff who work so hard to provide quality services to our tribal families. We are grateful to each and every one of you for your dedication and support.*

*Finally, I want to thank Nina for standing by my side all these years, my children for supporting me and also I want to thank each of you, our tribal members, who offer your time and talents, your insights and ideas about how to make our community even stronger. We have much to be proud of at Swinomish and a long way to go. I truly believe there is nothing that we can't accomplish when we work together.*





## SENATE COMMITTEES

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Barbara James, Vice Chair  
Lydia Charles, Secretary  
Dianne Edwards, Treasurer

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Barbara James, Vice Chair  
Lydia Charles  
Chester Cayou, Sr.  
Sophie Bailey  
Brian Cladoosby, Ex Officio

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Lydia Charles, Vice Chair  
Charlie O'Hara  
Barbara James  
John Stephens  
Brian Cladoosby, Ex Officio

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Brian Porter, Vice Chair  
Barbara James  
Merril Burke  
Marty Loesch  
Brian Cladoosby, Ex Officio

### CASINO GAMING COMMISSION

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Leon John, Vice Chair  
Kevin Paul  
Steve Edwards  
Tandy Wilbur  
Brian Cladoosby, Ex Officio

### CULTURAL G<sup>w</sup>ad<sup>2</sup> adad COMMITTEE

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Brian Porter, Vice Chair  
Chester Cayou, Jr.  
Neah Martin  
Lona Wilbur, Rec. Sec.  
Ray Williams  
Joe McCoy  
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Diane Vendiola, Vice Chair  
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Janet Wilbur  
Ivan Willup  
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Cathi Bassford  
Sandra Bobb, Alternate

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Wilbert James, M.D.  
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Chester Cayou, Sr.  
Sophie Bailey  
Brian Cladoosby, Ex Officio

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Todd Wilbur  
Glen Edwards  
Larry Campbell  
Leon John  
Ken Knopf  
Brian Cladoosby, Ex Officio

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Janie Beasley  
Candace Charles  
Jessie Edwards  
Aly John  
Brian Cladoosby, Ex Officio

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Tandy Wilbur, Vice Chair  
Lydia Charles  
Leon John  
Dianne Edwards  
Marty Loesch  
Merril Burke  
Charlie O'Hara  
Brian Cladoosby, Ex Officio

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Barbara James  
Dianne Edwards  
Lydia Charles  
Sophie Bailey  
Marty Loesch

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Ray Williams, Vice Chair  
Tony Cladoosby  
Cheryl Rasar  
Eric Day  
Brian Cladoosby, Ex Officio

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Janie Beasley, Vice Chair  
Francis Peters  
Chester Cayou, Jr.  
Ray Mitchell  
Phil Dan  
Ron Perry  
Brian Cladoosby, Ex Officio

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Kevin Paul, Chair  
Stuart Hutt, Vice Chair  
Cathi Bassford  
Ray K. Williams  
Terrance Carroll  
Brian Cladoosby, Ex Officio

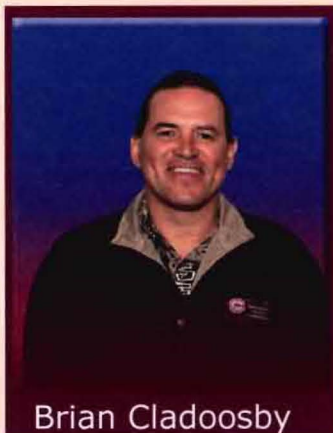


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# SENATE 2007



Brian Cladoosby



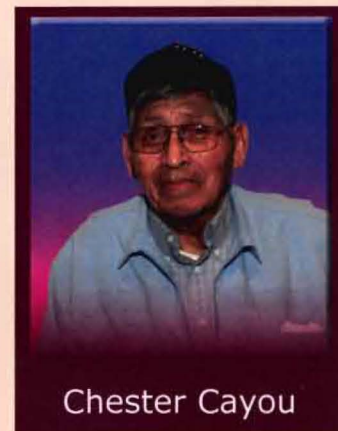
Barb James



Lydia Charles



Dianne Edwards



Chester Cayou



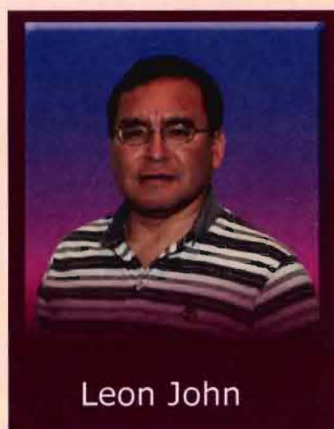
Sophie Bailey



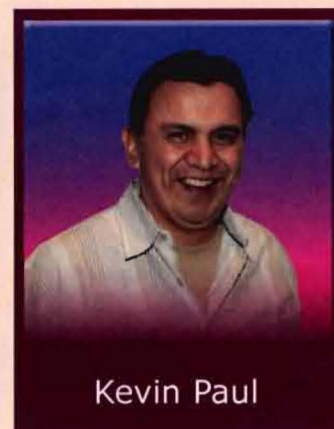
Glen Edwards



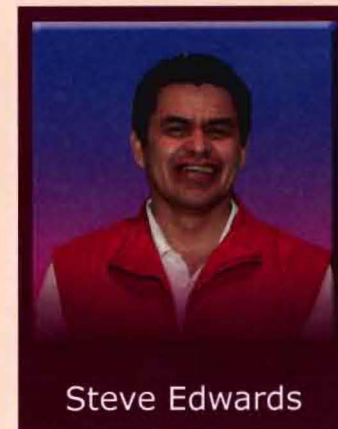
Tandy Wilbur



Leon John



Kevin Paul



Steve Edwards



## SWINOMISH SENATE

The governmental and business affairs of the Swinomish Indian Tribal Community are conducted by the Swinomish Senate, the duly elected governing body of the Tribe. The Senate governs the affairs of the Tribe through Senate Committees, Boards and Commissions established by Tribal Ordinance and Interagency Boards and Commissions that the Tribe participates in with other Tribes and Organizations. Twenty Senate Committees and several other more limited and ad hoc Committees oversee the administration of tribal affairs. With limited exceptions, Senate Committees make recommendations to the Senate but do not exercise any delegated decision making authority. Nine Boards and Commissions have been authorized to hire their own staff and for the most part operate independent from the Tribe and Swinomish Senate. Each Senator serves as the chair and vice-chair of at least one Board or Committee. The Senate reappoints the members of Tribal Boards and Senate Committees annually.

## TRIBAL ADMINISTRATION

The Swinomish Senate employs 207 full and part time governmental employees to implement and fulfill its goals and policies. 111 (54%) are tribal members or tribal spouses - 80 are enrolled Swinomish, 20 are enrolled in other tribes, 11 are spouses of enrolled Indians and 96 are non-tribal. The Tribe's Administration Department oversees the work of tribal staff and coordinates with the Directors of Tribal Boards and Commissions. The Administration Department is comprised of the Tribe's Chairman, General Manager, Senate Recording Secretary and Receptionist for the Tribe's main office in the Administration Building. In addition to presiding over meetings of the Swinomish Senate and performing other duties prescribed by the Tribe's Constitution and Bylaws, the Chairman oversees Senate Committees, works with Committee Chairmen to make sure that Tribal goals and policies are implemented in a consistent and comprehensive manner and supervises the General Manager and Director of Government Affairs and Economic Development. The Tribe's General Manager oversees all tribal staff, directly supervises the directors of the Tribe's seven principal departments and coordinates with the Directors of Tribal Boards and Commissions. Department Directors supervise and direct the administrative Tribal programs in conjunction with one or more Senate Committees that provide policy and guidance in that particular administrative function. The Administrative Assistant and the Receptionist both provide information and answer questions for tribal members, and the general public.









# HEALTH, EDUCATION & SOCIAL SERVICES DEPARTMENT

## COMMUNITY SERVICES

The Social Services Department provides a comprehensive range of income support activities, including Christmas gift certificates, commodity foods, Christmas food vouchers, childcare assistance, Thanksgiving food baskets, BIA General Assistance application assistance, technical assistance in obtaining DSHS and Social Security benefits and Low Income Home Energy Assistance (LIHEAP). Last year, the energy assistance program served 116 households with 462 people. Payments ranged from \$145 to \$1,776 depending upon household size, household income and cost of energy for the prior year. The food voucher program served 106 families. All applicants for food vouchers must be eligible for LIHEAP and take a one-hour class, which will make them eligible for the entire year. Elders are exempt from these requirements. This year, the Tribe added a Tribal Vision Program and a Tribal Hearing Aid Program.



## SENIORS

Senior services are provided in the Tribe's Senior Center located on the ground floor of the Dental Clinic overlooking Swinomish Channel. The Senior Center provided 5,370 meals this year from its kitchen facilities. This included 2,750 meals served at the Center and 2,620 home delivered meals. The services improve the nutritional status and social and recreational opportunities for elders of the tribe over age 55. This year we served 95 elders living in Skagit County. Menus are provided for special dietary needs in consultation with a dietitian. A Friday brunch is also being provided with tribal funds. Menus are published monthly in the Kee-Yoks. The Seniors year was highlighted by trips to Portland, Siletz, Omak, Lummi, Tulalip, Grand Ronde, Squaxin Island, Upper Skagit, Pendleton, Coeur d'Alene, Nooksack and Lincoln City. Swinomish Seniors hosted its Annual Event at the Casino and had over 300 guests from more than 25 tribes, and "a good time was had by all!"

## TERO



As the Swinomish Tribal Employment Specialist I would like to thank all the participants who utilized our employment programs last year. Our programs are designed to assist community members obtain employment and job training opportunities. The TERO program originated about 30 years ago with the formation of the Council for Tribal Employment Rights (CTER), which drafted a model ordinance that supported and encouraged tribal employment on or near the reservation. We have been a TERO tribe since 1989, and are part of the Regional TERO. Our office encourages and enforces tribal preference for all

contracts and employment on or near the Swinomish Indian Reservation. We are now working on a Workforce Protection Plan that will help tribal programs follow existing policies and encourage tribal preference in our tribal businesses.



**WWIETP**, the Western Washington Indian Employment Training Program, provides financial support to eligible clients for first time employment and "on the job" training. Our summer youth program combined WWIETP funds with additional Tribal funds and was a huge success. We had over 30 participants and a high success rate among individuals that completed individual contracts and transitioned to permanent employment. The adult program wasn't as successful. We have temporary work experience (WEX) dollars, "on the job training" (OJT) dollars and some classroom training funds for our adults. This coming year, we will work with Department supervisors to better utilize our adult funds to assist our new hires and trainees and fulfill the WWIETP program requirements. **NEW**, the Native Employment Works program, is designed to assist Community members who are in transition from one means of support to another. Emphasis is provided to clients moving from welfare to work, and also to clients addressing addiction and other employment hurdles. The program provides financial assistance for employment clothing, tools, job retention necessities and equipment. We assisted 19 community members with the NEW program this past year.

**Goals.** Our goals for next year are to reduce the rate of unemployment at Swinomish and take advantage of the off-season in treaty fishing to provide potential clients with additional trade skills and work experience. As a fishing community we can exercise our treaty rights and at the same time supplement our income with a specific trade or skill. TERO has the resources to accomplish these goals, but we will need additional client and community participation to reduce the number of unemployed and create a diverse workforce.



## CHILD CARE

Childcare services are provided in the new State certified Lop-she-ahl Susan Wilbur Early Learning Center. The program has expanded to provide free childcare services to any enrolled member child whose parent is working, attending school or training in order to be able to work, or is receiving needed counseling in order to be able to work. Childcare program services are educationally focused, with appropriate nutrition services provided. This vital service assures that parents, especially single parents, have support services available so that they can pursue

training and employment opportunities. The Center works cooperatively with the LaConner School District to provide transportation for "after school" children to the facility. We currently operate many days at our maximum allowed capacity of 18 children and served 39 children this past year. We have more than doubled the square footage of the child care space to improve efficiency and this will ultimately allow many more children to participate as we expand the program and staffing.



## FAMILY SERVICES

The purpose of the Swinomish Family Services Program is to help protect children, strengthen families, and be a positive resource for the community. Family Services provides direct support and referral services to families in the community and also helps to connect community members with resources throughout Skagit County. The program assists children and families experiencing domestic violence with emergency shelter, food, clothing, transportation, mental health services and referrals to other agencies that specialize in domestic abuse. Family Services staff works closely with State and Tribal courts to insure that both the legal rights and best interests of Swinomish children are protected.

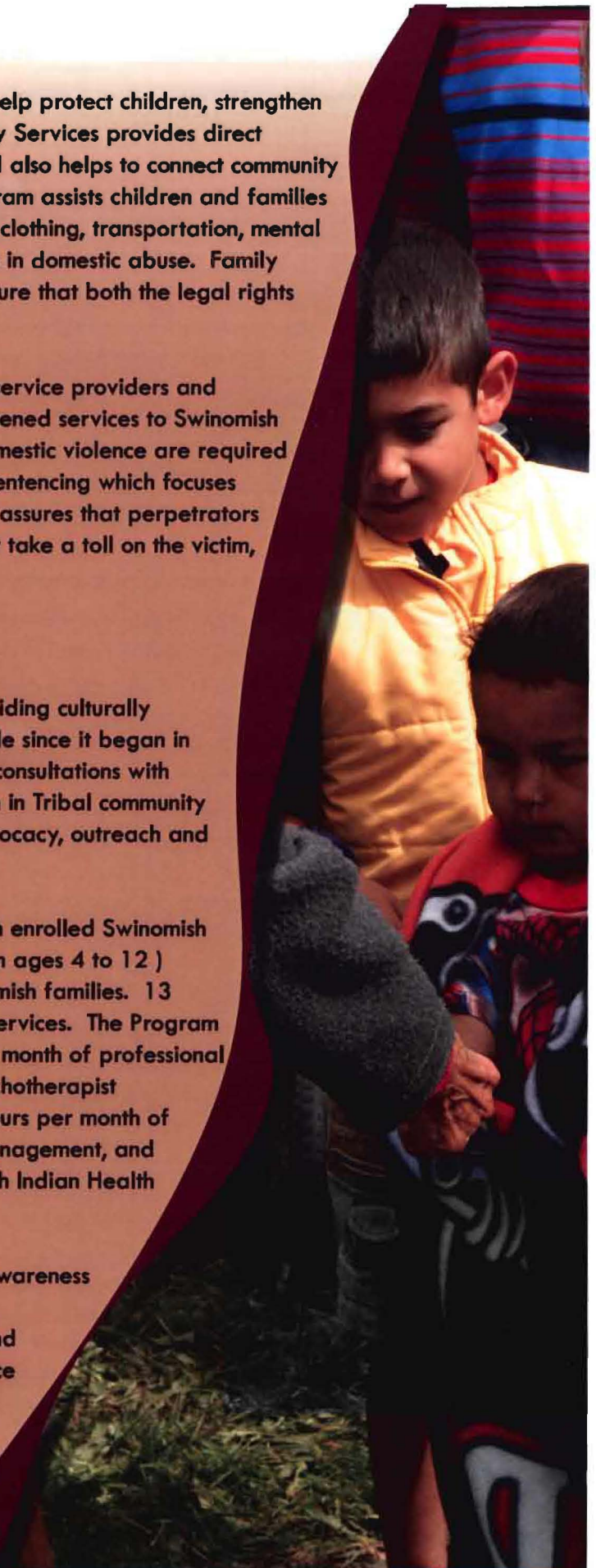
Program accomplishments include positive collaboration with service providers and programs throughout Skagit County, which has in turn strengthened services to Swinomish clients and families. Community members that perpetrate domestic violence are required to attend a Domestic Violence Impact Panel as part of their sentencing which focuses on the effects of domestic violence on the children. This Panel assures that perpetrators realize how their acts of domestic violence and their behavior take a toll on the victim, the community, and on any children who may be in the home.

## MENTAL HEALTH

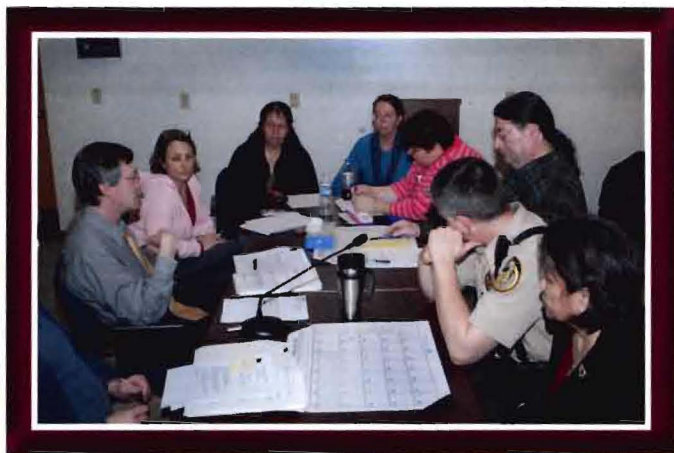
The Tribe's Mental Health Program has been a leader in providing culturally appropriate mental health counseling services to Indian people since it began in 1985. Services include: home visits, community involvement, consultations with traditional healers, extended family networking, participation in Tribal community functions, cultural education for non-tribal agencies, client advocacy, outreach and traditional peacemaking.

Last year, direct mental health services were provided to both enrolled Swinomish members ( 9 elders, 27 other adults, 12 youth, and 7 children ages 4 to 12 ) and 22 members of other Indian tribes and non-Indian Swinomish families. 13 Swinomish families were also provided indirect or collateral services. The Program also contracted with outside service providers for 8 hours per month of professional psychiatric services, 120 hours per month of professional psychotherapist services with an emphasis on assisting victims of crime, 120 hours per month of professional counseling, community outreach and program management, and 24 hours per month of additional services in collaboration with Indian Health Service.

Program staff participated in or provided 6 Mental Health Awareness Suicide Prevention trainings and workshops to Social Service Staff and collaborated with regional tribes in the planning and preparation of the Annual Intertribal Mental Health conference at Upper Skagit. The Mental Health Program also engaged in program development. We also worked with the Medical Clinic, and the Mental Health and Chemical Dependency departments to review and reorganize our inter-departmental communication, referral and scheduling procedures, in order to enhance program accessibility and efficiency.







## SWINOMISH WELLNESS PROGRAM

The Swinomish Wellness Program completed its second full year of providing state-licensed alcohol and chemical dependency treatment services to our community. Last year, we provided 62 patients with 4,080 treatment activities and 4,035 hours of services, for an average of 65 hours per patient. We had one staff change in 2007. Kim Biggers, a Southeastern Alaska Tlingit joined us as our new Administrative Assistant.

The primary components of the program include *Education, Early Recovery, Relapse Prevention, and Recovery Support Groups*. *Cognitive Behavioral Therapy (MRT), Life Skills and Alcohol and Drug Education* classes are provided for youth. Most patients participate in group sessions of 1-2 hours up to 3 times a week for three months or longer. Individually tailored treatment plans are developed with patient participation and our ongoing assessment of individual emotional, educational, social and spiritual readiness to change. All patients receive individual sessions of at least 45 minutes with a clinician for every 20 hours of treatment. Random drug & alcohol tests are integrated into the treatment program.

The program also offers *Adult Outpatient Treatment, Youth Outpatient Treatment, Intensive Outpatient Treatment and DUI Assessment and Referral*. Program counselors are an integral part of the Youth Wellness Court and the Child Protective Team, and work closely with Tribal Mental Health and Vocational Rehabilitation. Program staff also attends community prevention group meetings and collaborates with the LaConner School District's prevention activities.



## HEALTH CLINIC

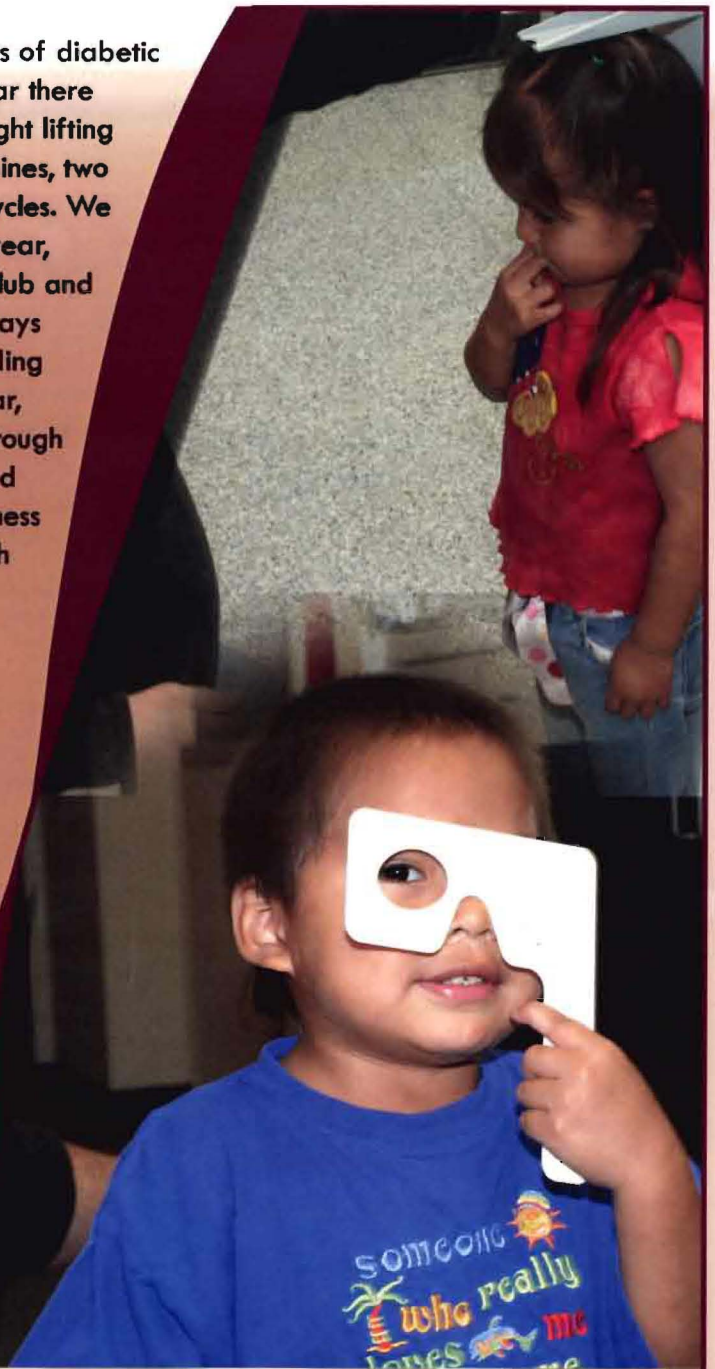
The Health Clinic provides medical services to native people living on the Swinomish Indian Reservation. Direct care services are available to any member of a federally recognized tribe living in the area. Two physicians, Dr. Barbara Clure and Dr. Wilber James, an enrolled Swinomish member, provide medical services at the clinic five days per week. Office hours are 8:30 am to 5:00 pm, Monday through Friday, except for major holidays when the clinic is closed. In 2007, we increased our total patient visits to 4,776 and our patient population to 2,312 patients. This was an increase of about 1,000 patients over 2006.

We continue to emphasize prevention of disease and accidents through our Women's Health day, Sports Physical Day, and the Heart Healthy Project. This year we were one of 24 clinics chosen nation-wide to receive funding to implement a program sponsored by the American Academy of Family Practice to promote health and fitness in the context of regular patient visits. The clinic staff has received training and been given new tools to help motivate people to eat healthier, move more and take better care of their emotional and spiritual well being. You may notice us giving out fitness related questionnaires, fitness prescriptions, journals and other tools to help you achieve your fitness goals when you come to the clinic. If you want to specifically participate in the program talk to Dr. Clure or nurse Kathleen Pearson (K.O.) for more information. We also helped sponsor Weight Watchers in the Community center and have been thrilled to see the response. Several patients have lost significant amounts of weight, have greatly improved control of their diabetes and are taking better care of themselves as a result of these programs and the increased interest in wellness in the community.



The Clinic also provides a Fitness Center to meet the needs of diabetic patients that is also open to the entire community. Last year there were 2,145 visits to the Fitness Center. In addition to weight lifting equipment, the Fitness Center has six cardiovascular machines, two treadmills, two elliptical machines and two recumbent bicycles. We sponsor various health promotional activities through the year, including the Four Tribes Fitness Challenge, the Walking Club and Just Move It Walk. This year we offered a yoga class 3 days per week and other fitness classes 4 days per week including strength classes, Pilates and Backs and Abs. Colleen Mavar, our Fitness Coordinator, is also offering a credit course through Northwest Indian College. The Fitness Center also provided pedometers and other healthy incentives to encourage fitness participation. Many educational and community outreach brochures are provided that answer almost any health question a community member may have.

We continue to participate in the Tribal Emergency Preparedness and Pandemic Flu planning so that we can have systems in place should we have a major disaster or health pandemic. The Clinic also participated in various grant programs including the Washington Breast and Cervical Health Program, the Chlamydia Project, Take Charge and Veterans Administration Native American Outreach program. These programs provide additional services that are not covered under our limited Contract Health Service (CHS) budget. As a result of changes in Federal law, we are now able to utilize Medicare like rates for services that are provided at any of the local hospitals for our CHS patients. This will save from 40-75% of the cost of hospital services and has already had a positive impact on the contract health budget. Unfortunately, CHS is still on Priority 1 status (and will likely be for the foreseeable future), but the Tribe continues to look for as many programs, grants and funding sources as possible to try to stretch contract health funds. We have a Medical Social Worker, a DSHS representative and a VA representative in the clinic most days of the week who can assist eligible patients to apply for state or federally subsidized insurance programs such as The Basic Health Plan of Washington, DSHS and Medicare.







## DIABETES PROGRAM

The Tribe's diabetes program is a joint project conducted by the Swinomish, Upper Skagit, Nooksack and Lummi tribes, and designed to prevent and delay the onset of diabetes in tribal communities. A Family Nurse Practitioner, a Dietitian, and other support staff provide diabetes care services and prevention education to community members.

Tribal members again attended the annual one-day diabetes education workshop that was offered to people with diabetes, their family members and caregivers.

The educational focus was on weight

management through healthy lifestyle changes. Native motivational speakers presented the information.

Tribal members with diabetes are eligible to participate in the Heart Healthy Project which reduces cardiovascular disease risk in individuals with diabetes by following national and IHS standards of care for type-2 diabetes. Participants receive individual case management services and health education using the Honoring The Gift Of Heart Health curriculum. Ten people are currently active in the project with recruitment through 2009.

Tribal members and staff participated in two fitness events. 103 participants joined in the 4-Tribes Diabetes Challenge which was a 14% increase over 2006. And 51 participants joined in the "10,000 Step Program." The Fitness Center has regular weekly classes as well as a class taught through the Northwest Indian College, and had a total of 2,415 visits this year.

## DENTAL CLINIC

The Dental Program provides basic dental care to direct care eligible patients, with an emphasis on the promotion of good dental hygiene and prevention for youth. We are currently able to provide dental services to all patients who request them, without a waiting list.

This past year was another fantastic year at our dental clinic. We had a very successful Sealant Day where we provided sealants or fluoride to 61 children over 2 days. Over the weekend with the Canoe Journey we saw 70 people for cleanings, fluoride and emergencies. We also provide fluoride varnishes at the Swinomish Daycare and Head Start Program quarterly. These practices ensure that each child's smile will continue to be bright into the future. We coordinate this and other programs with Medical Clinic staff. In addition to our successful sealant program, another highlight included the hosting of two dental externs, who provided dental services to over 50 patients, and one of those interns was so impressed that she is considering employment with the Indian Health Service.

As we look forward to 2008, we intend to work closely with the Early Learning Center and continue our tradition of sealant day to all children in 1<sup>st</sup> through 6<sup>th</sup> grades and reaching out to participants in the Canoe Journey.

**Hours of operation:** Monday through Thursday, 8:00 a.m. – 4:00 p.m., and

Friday, 8:00 a.m. – 12:00 p.m., with Emergencies Monday through Friday, 8:00 a.m. – 9:00 a.m.



## EDUCATION

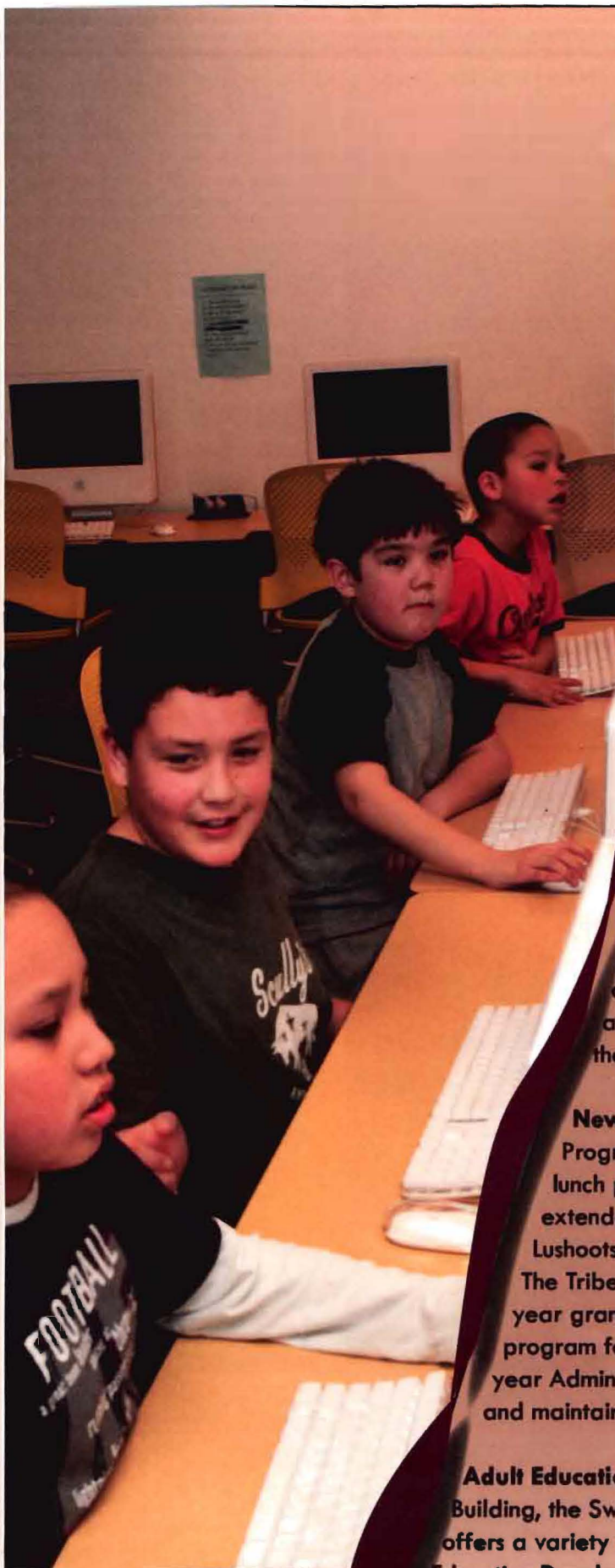
The Education Department is comprised of the Birth to Three Program, Pre-School, Secondary Education Assistance, Study Hall, After School Tutoring Program, GED and Adult Education, Library, Job Training and Vocational Rehabilitation, Life Skills and Attendance, Lushootseed classes, and the Northwest Indian College ("NWIC") programs. The Education Director supervises and oversees the Preschool-Grade 12 component of the program. This year, our new Preschool was added to the Education Department in partnership with the LaConner School District and Headstart.

**Pre-School.** We had 40 students on average enrolled in the Preschool program this year and 22 of the students are Native. The LaConner School District, Headstart, and the Tribe currently collaborate to provide every Native preschool student with an early education. We also have a full-time Lushootseed teacher who works with our Pre-School students part-time and she also teaches classes in the library to our community members.

**LaConner Schools K-12.** The Department's main goal has been to assist Swinomish and LaConner School District students and implement programs that will increase the graduation rate for tribal members. Six Paraprofessionals (Para-Pros) provide educational assistance to groups of Native students during the day at the LaConner Schools, accompany them back to the reservation after school and continue to work with them at the Swinomish Study Hall and Computer Lab in the afternoon and evening. This year, we have 1 student on track to graduate from LaConner High School in June and another student that has already received a Washington State Diploma from the Alger School. Two more students are on track to receive diplomas from the Alger School in June. One student has dropped out of school completely and three seniors may enter the GED program or return to LaConner as a fifth year seniors next year to make up classes they missed because of cultural ceremonies they attended this winter. We currently have about 175 Native Students enrolled in the LaConner School District and almost 100 of those are enrolled Swinomish members. With our JOM monies, we have been able to fund many curriculum and academic assistance requests for ASB cards, activity fees, library fees, Camp Orkila, Mountain School, yearly school supplies, Band instrument rentals and Caps and Gowns for graduates who met financial assistance criteria.







**Early College Classes.** The Early College Grant from the Gates Foundation ended last year, but we continue to work with Antioch University and Skagit Valley College to provide college classes to high school age youth. We currently have 15 Native students in our AVID (Advancement Via Individual Determination) classes whose main goal is to prepare students for college success and target students who are willing to work hard towards their goals. High School students can enroll in college level classes such as Lushootseed 101 and Native American Studies and can earn up to 45 college credits while they are still enrolled in high school.

**Study Hall/Computer Lab.** Our Study Hall staff tutored an average of 30-40 students at the study hall and computer lab, and in collaboration with LaConner School District teachers, we provided a reading program on Wednesday nights that helped an average of 25 elementary school students improve their reading skills. We also have two community volunteers helping to tutor students in their spare time at the Youth Center. Study hall provides an informal family atmosphere where students can talk and work together and "peer tutoring" with students helping each other with their homework.

**New Programs and Grant Applications.** The Preschool Program has implemented a bi-weekly inter-generational lunch program that brings staff, parents, grandparents, extended family and students together to share a meal, learn Lushootseed, and participate in a variety of other activities. The Tribe supported the School District's application for a two year grant from the Discuren Foundation to support a new AVID program for 5<sup>th</sup> graders next year. And we will apply for a three year Administration for Native American (ANA) grant to preserve and maintain the Lushootseed language in March.

**Adult Education and GED Program.** Located in the Social Services Building, the Swinomish Learning Center is open year around and offers a variety of Adult Basic Education (pre-"GED") and General Education Development ("GED") preparation courses. The GED Program provides students with an education equivalent to senior high performance

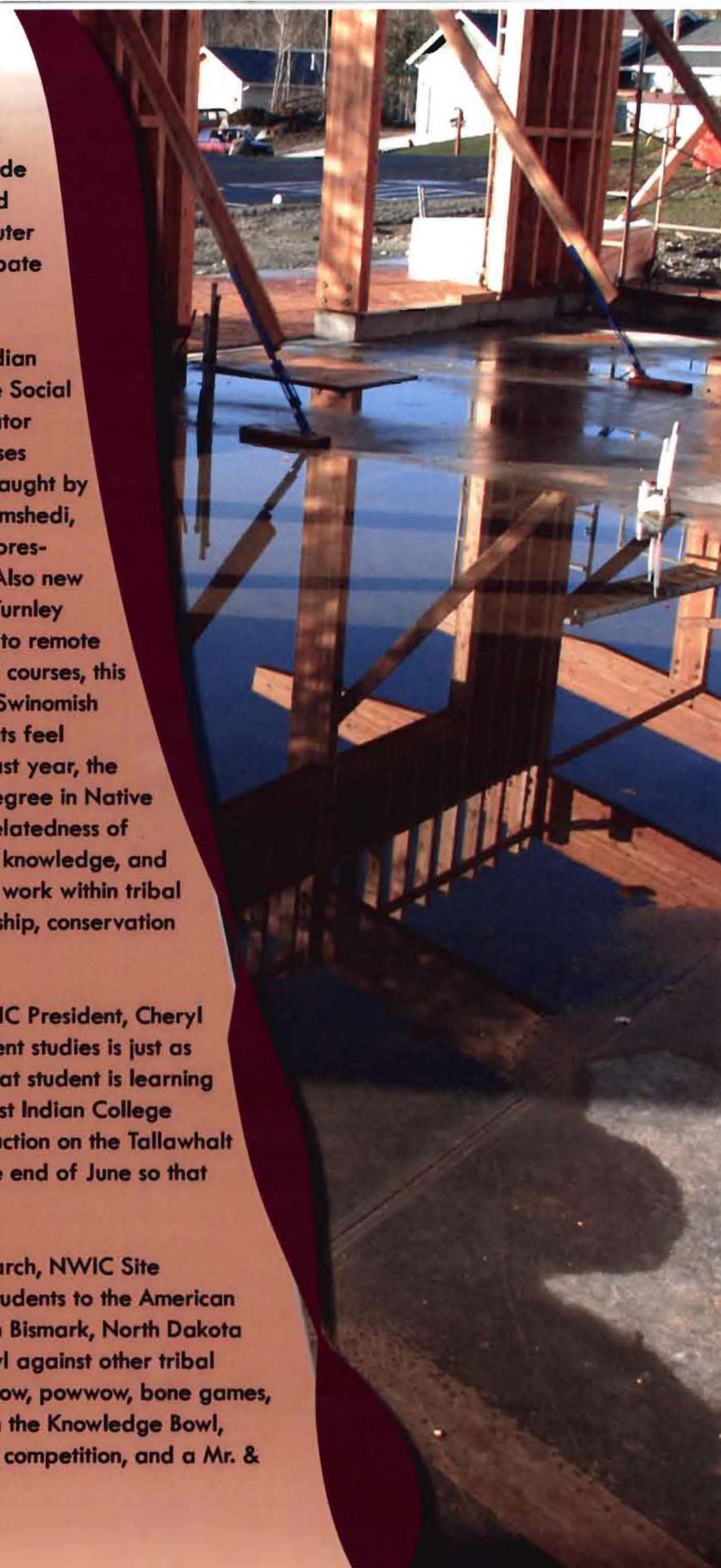


across the country. Enrollment averages 15 to 30 students per quarter, grading is on a satisfactory/unsatisfactory basis and the Tribe provides all books and materials. Classes include basic math, reading, science, social studies, and essay writing, as well as study skills and computer basics. GED graduates are eligible to participate in the NWIC graduation ceremonies in June.

**Northwest Indian College.** The Northwest Indian College provides a Distant Learning Site in the Social Services Building, staffed with a Site Coordinator and an Education Assistant. Several new classes include Appreciation of American Indian Art, taught by Benjamin Jojola, Chemistry taught by Adib Jamshedi, Lushootseed language taught by Carmen Pastores-Joe, and a Pacific Northwest Basketry class. Also new this year, are two new volunteer tutors, Linda Turnley (math) and Sally Conner (English). In addition to remote learning through the ITV (interactive television) courses, this year we have had several ITV instructors visit Swinomish and make live presentations so that our students feel more comfortable with the ITV format. This past year, the College offered a new Bachelor of Science degree in Native Environmental Science that explores the interrelatedness of native ways of knowing, traditional ecological knowledge, and "western science," and prepares graduates to work within tribal communities to support environmental stewardship, conservation and revitalization.

**New College Facility.** The philosophy of NWIC President, Cheryl Crazy Bull, is "the environment in which a student studies is just as important as the new ideas and information that student is learning requires." To further this goal, a new Northwest Indian College distance learning building is now under construction on the Tallawhalt site. The building should be completed by the end of June so that classes can be held there this fall.

**College Science & Knowledge Bowl.** This March, NWIC Site Director Gaylene Gobert will be taking five students to the American Indian Higher Education Conference (AIHEC) in Bismark, North Dakota to compete in the Science and Knowledge Bowl against other tribal colleges. The conference will include an art show, powwow, bone games, business critical inquiry competition, along with the Knowledge Bowl, Science Bowl, Speech Competition, Web Page competition, and a Mr. & Mrs. AIHEC competition.



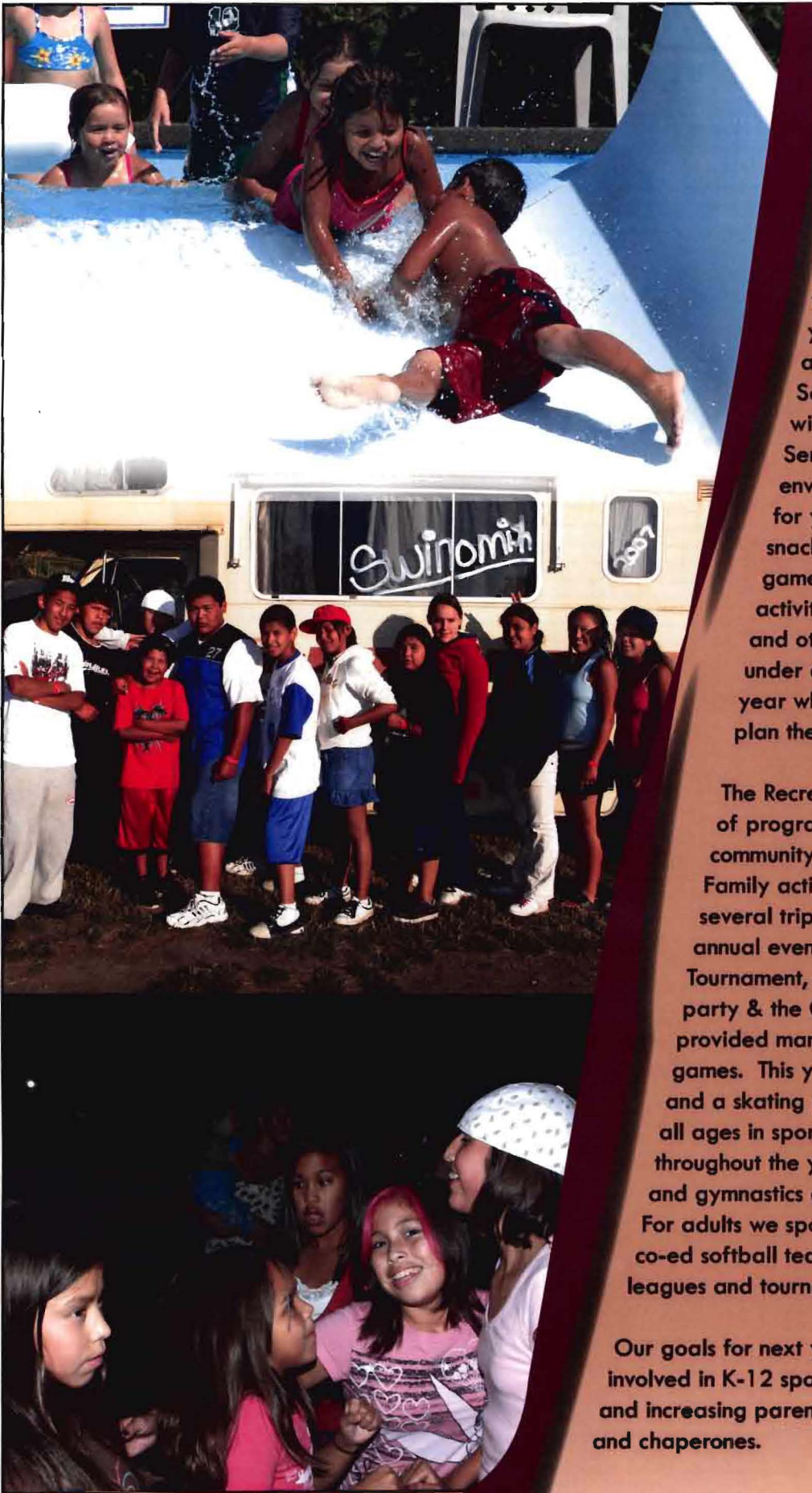


## YOUTH PREVENTION AND RECREATION PROGRAM

The Youth Prevention and Recreation Programs provide coordinated, healthy and positive activities for youth Monday through Saturday. The Youth Center and Gymnasium are open every day for youth activities during the school year till 9:00 p.m. during the week and till 12:00 midnight on Friday and Saturday. We work cooperatively with the Education program and Social Services to provide the best possible environment and positive activities for youth. Kids have an after school snack program, daily gym activities, a game room, a video option, social room activities, art program, language class, and others. The Program now operates under a set weekly schedule for the entire year which makes it easier for families to plan their children's activities.

The Recreation Program provides a number of programs and activities that involve the community and families throughout the year. Family activities for the summer included several trips to the waterslides and special annual events included our Memorial Day Tournament, our Easter egg hunt, the Halloween party & the Christmas program. We also provided many families with tickets to Mariner games. This year, we had a swimming program and a skating program, and we sponsored kids of all ages in sports camps and cheer leader camps throughout the year. We provided swim lessons and gymnastics during the summer and into the fall. For adults we sponsored a men's softball team, a co-ed softball team and a men's basketball team in leagues and tournaments.

Our goals for next year include getting more kids involved in K-12 sports, developing more adult activities and increasing parent involvement with kids as coaches and chaperones.





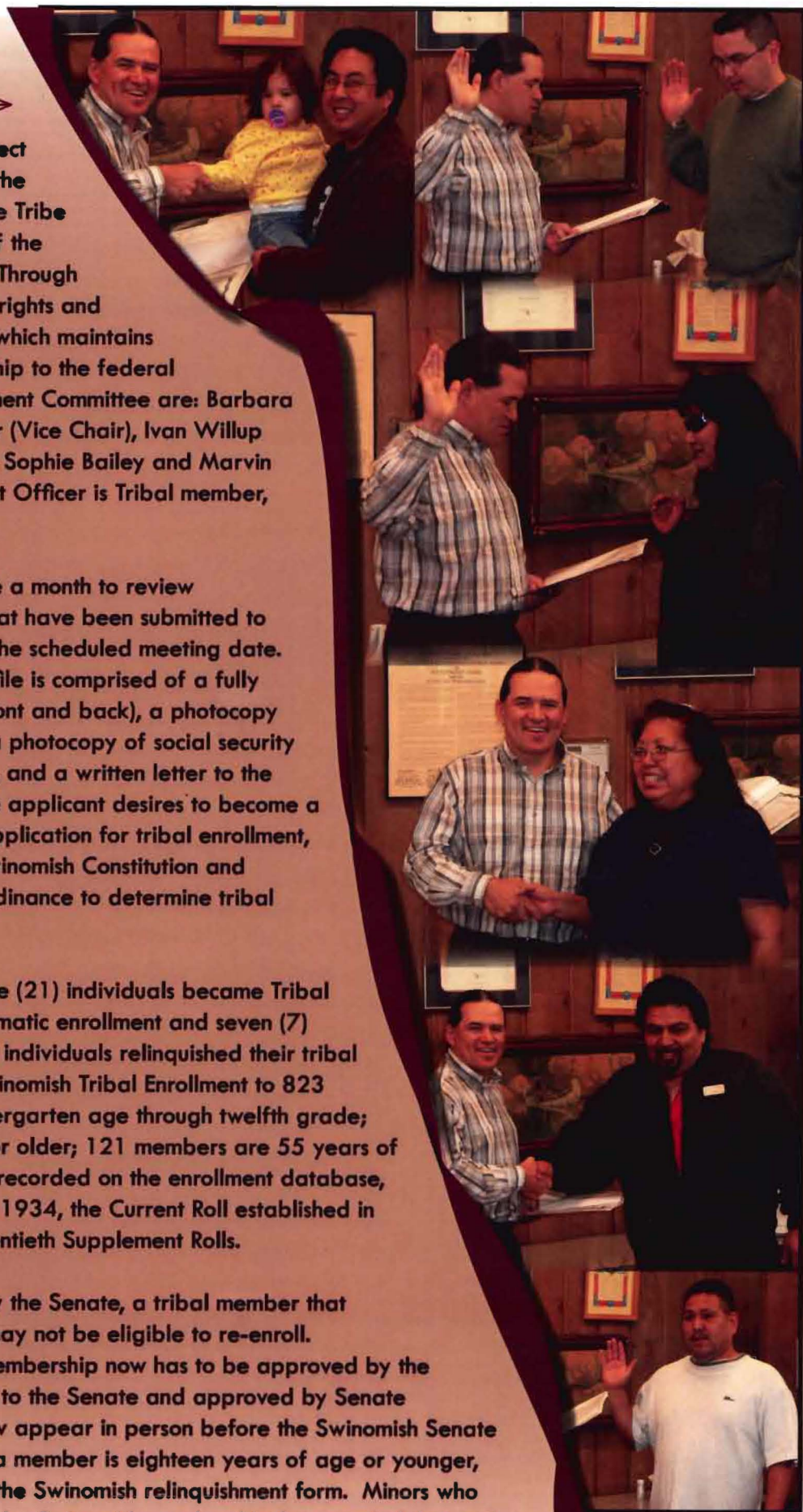
## ENROLLMENT DEPARTMENT

Tribal enrollment is an important aspect of Tribal sovereignty. By exercising the right to determine its membership, the Tribe assures the continuity and integrity of the Swinomish Indian Tribal Community. Through enrollment, an individual obtains the rights and benefits of membership in the Tribe, which maintains a unique status and special relationship to the federal government. Members of the Enrollment Committee are: Barbara James (Chairperson), Roberta Wilbur (Vice Chair), Ivan Willup Sr., Maureen Martin, Diane Edwards, Sophie Bailey and Marvin Cladoosby. The Swinomish Enrollment Officer is Tribal member, Leon John.

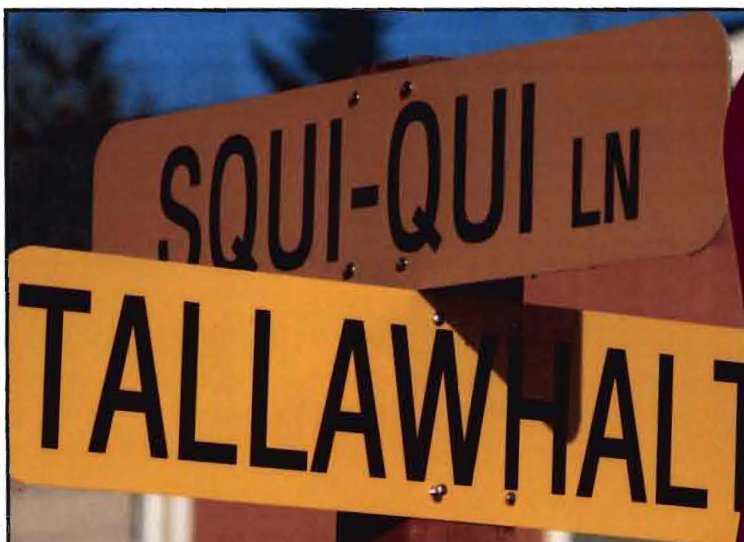
The Enrollment Committee meets once a month to review completed enrollment applications that have been submitted to the Tribal Enrollment Office prior to the scheduled meeting date. A completed enrollment application file is comprised of a fully completed enrollment application (front and back), a photocopy of a state certified birth certificate, a photocopy of social security card, a photograph of the applicant, and a written letter to the Enrollment Committee stating why the applicant desires to become a tribal member. In examining each application for tribal enrollment, the Enrollment Committee uses the Swinomish Constitution and Bylaws, and the Tribal Enrollment Ordinance to determine tribal membership eligibility.

In the past year, a total of twenty one (21) individuals became Tribal members, fourteen (14) through automatic enrollment and seven (7) through optional enrollment. Several individuals relinquished their tribal membership. This brings the total Swinomish Tribal Enrollment to 823 members: 204 members are of Kindergarten age through twelfth grade; 554 members are 21 years of age or older; 121 members are 55 years of age or older. 1,162 individuals are recorded on the enrollment database, including the Base Roll established in 1934, the Current Roll established in 1978 and the subsequent First to twentieth Supplement Rolls.

Under new rules recently adopted by the Senate, a tribal member that relinquishes Swinomish membership may not be eligible to re-enroll. Relinquishment of Swinomish tribal membership now has to be approved by the Enrollment Committee, recommended to the Senate and approved by Senate Resolution. A tribal member must now appear in person before the Swinomish Senate to request his/her relinquishment. If a member is eighteen years of age or younger, both parents must approve and sign the Swinomish relinquishment form. Minors who relinquish membership may re-apply for Swinomish membership for a period that ends eighteen months after the date of their twenty first birthday.







## SWINOMISH HOUSING AUTHORITY

The Swinomish Housing Authority (SHA) was formed by Tribal ordinance in 1964. The SHA is governed by a separate Board of Directors appointed by the Senate and its primary responsibilities are to remedy unsafe and unsanitary housing conditions that are injurious to public health, safety and morals, alleviate the acute shortage of decent, safe and sanitary dwellings for persons of low income, and provide employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operations of low-income dwellings.

**Baseline Operations.** The Housing Authority employs 8.25 FTE (full time equivalent) positions (3.75 for administration and 4.5 for maintenance) and directly manages 113 units (94 rental and 19 homebuyer). In fiscal year 2007 operating income was \$903,829 and operating expenses were \$673,978 (cash basis). Reserves at the end of fiscal year 2007 were \$1.67 million.

**Home Rehabilitation and Construction.** Over the past ten years the Authority has rehabilitated 95 of its "assisted" homes (including Conne Place apartments) and 20 "non-assisted" homes (homes not under contract with the Housing Authority). The Authority also constructed 17 homebuyer units, conveyed another 17 homebuyer units and purchased the 16 unit Conner Place Apartments in La Conner during this time frame. In 2008, the Housing Authority will continue to plan for additional housing rehabilitation needs and seek funding to continue the program. There are no specific plans for constructing new housing units while the Tribal Administration is involved in new home construction on the Tallawhalt site. Future construction plans for the Authority will most likely focus on housing for elders, handicap and small family units.

**Home Readiness Program.** The Authority is working with the Northwest Indian College to develop an on-going curriculum to assist families become successful renters and homebuyers. The curriculum will include financial literacy, household budgeting, credit repair, home repair and upkeep.





## SWINOMISH UTILITY AUTHORITY

The Swinomish Utility Authority was formed by Tribal ordinance in 1986. The Utility Authority is governed by a separate Board of Directors appointed by the Senate and its primary responsibilities are to operate, maintain and manage public utilities on the Reservation, protect the physical and environmental health of the Tribal community and all Reservations residents, and develop a safe and efficient program that will deliver public utility services in a financially responsible, cost-effective and self-sufficient manner.



**Baseline Operations.** The Authority employs 2.75 FTE (full time equivalent) positions (1.25 for administration and 1.5 for field operations). In 2007 operating income was \$432,921 and operating expenses were \$417,673. These figures do not include major construction projects noted below. Reserves at the end of 2007 were \$290,742.

**Water.** The Utility Authority annually provides up to 40 million gallons of safe drinking water to 400 water connections serving Reservation residences, governmental buildings and businesses. Water is purchased from the City of Anacortes and a Reservation groundwater well field provides back-up water supply if needed in an emergency. Water quality meets or exceeds all water quality standards mandated by the federal Safe Drinking Water Act. The Authority is currently updating the water and sewer comprehensive plan for the Tribe. This is a 20-year planning document that will be used as a tool for planning and funding upgrades to the existing system and future expansion of the system to meet the needs for a growing population and Tribal economic development.

**Wastewater and Solid Waste.** The Utility Authority collects 30+ million gallons of wastewater each year from 450 Reservation connections. All collected wastewater is conveyed to the La Conner Regional Wastewater Plant for treatment and disposal. The Authority also collects over 200 tons of solid waste from 145 residences and businesses in the Village through a contract collection service.

**Utility Expansion.** In 2007 the Authority completed two major construction projects: a wastewater treatment plant for the casino and future north end development; and the installation of 4,000+ feet of 12-inch water main to provide a second supply line to the Village and to support the Tallawhalt development.





Costs of the projects were \$2.5 million and \$450,000, respectively. The Authority was also responsible for over-seeing an additional 2,000 feet of water main extensions paid for by private developers and providing inspection and testing services for the water and sewer lines constructed on the Tallawhalt development.

**New Projects.** In 2008, the Utility Authority will seek funding to construct an additional reservoir to provide more emergency storage, better fire flow and improved hydraulic balancing of the water system.

#### TRIBAL PUBLIC WORKS

The Public Works Department is organized into two separate divisions: (1) Facilities Maintenance, and (2) Streets, Utilities and Special Projects. The goal of the Department is to grow in skill and knowledge and increase tribal employment so that it can take on projects previously performed by outside contractors.

During the past year, the Facilities Maintenance Division continued to provide day-to-day maintenance of Tribal governmental buildings, lawns, gardens, grounds, cemetery, docks, drainage and other common areas and facilities. The Facilities Division also expanded its duties to include maintenance responsibilities for the Dental Clinic. Facilities staff also provides valuable assistance for all special community functions such as clean-up day as well as set-up and clean-up for employee and community functions. They also worked on the Tribal dock clean up and repair; and various other projects.

The Streets, Utilities and Special Projects Division worked on a variety of special projects in 2007: (1) completed the construction of the McGlinn Island well building and water line installation, (2) completed the development of the new public works office and equipment yard on Indian Road, (3) assisted the Planning Department's Lone Tree Creek restoration project; and, (4) provided labor and equipment for the north end property clean-up. This Division also performed the following general activities: (1) street sweeping on village streets, (2) storm drain and ditch cleaning, (3) community wide clean-up projects, and (4) cut, split and hauled firewood to Tribal members and elders.

## TALLAWHALT HOUSING PROJECT



The Tallawhalt Development Committee was very busy in 2007. Approximately \$3.5 million in infrastructure, including roads, sewer, water, power and approximately forty residential building sites were completed. Additional lots for the Northwest Indian College and new Shaker Church were also completed. Twenty-two houses are in various stages of completion at a total cost of approximately \$3.5-4.0 million. Training programs were provided to all eligible homebuyers to assist their transition to homeownership. Eight families have already moved into their new homes. The remaining fourteen homes will be completed by Memorial Day.



## FISHERIES DEPARTMENT

The Swinomish Fisheries Department works in close collaboration with the Skagit River System Cooperative (SRSC), a consortium that is now composed of the Swinomish and Sauk-Suiattle tribes. In 2007, SRSC provided habitat protection, restoration, salmon recovery planning, and fish research services to the Swinomish and Sauk-Suiattle tribes, while the Swinomish Fisheries Department provided fish and shellfish harvest management services to the Swinomish Tribal Community.



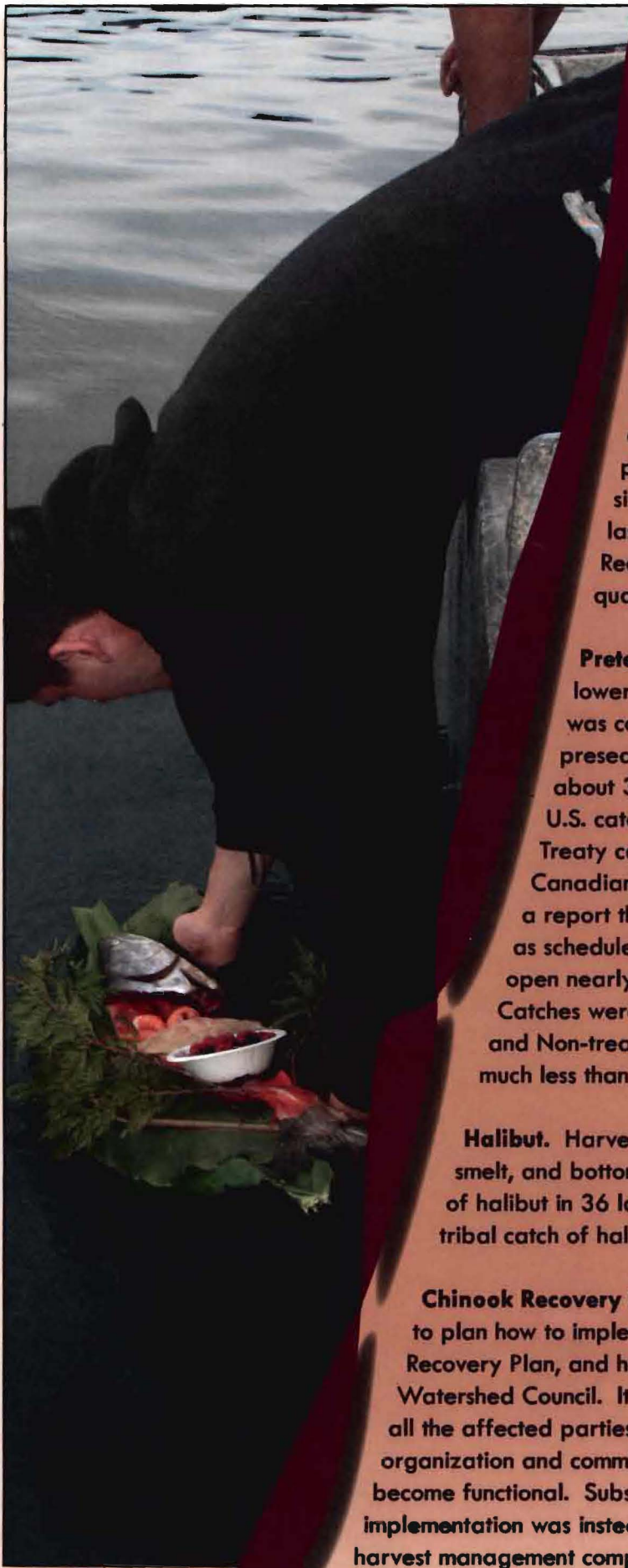
### HARVEST MANAGEMENT

The Swinomish Harvest Management Department provides technical assistance needed to manage salmon and bottom fish to achieve optimum harvests for the Swinomish Tribe. Harvest Management developed preseason forecasts and in-season updates for the salmon run sizes, monitored the harvests, conducted test fisheries, negotiated fisheries affecting Skagit coho and chinook, and represented the Tribe in management of Fraser sockeye. This was also the fifth year after the completion of a US-Canada Agreement that limits Canadian interceptions of Skagit coho to an acceptable percentage of the run (instead of a fixed catch number that was way too high). SRSC Salmon Recovery staff participated in the technical committee activities required to implement this agreement. In most years, this has improved coho catches in the Skagit terminal area.

**Harvest.** In 2007, the Baker sockeye run was substantially lower than forecast. The summer/fall Chinook run size was slightly higher than expected, but the spring Chinook run was less than expected; the pink run was better than the predicted disaster, but still not great; the chum run was very disappointing; and the coho run improved considerably from the 2006 disaster. The Swinomish Tribe conducted a brief update fishery on pinks, more extensive fisheries on Skagit coho and chum, and, for the second time in the last 2 years, conducted ceremonial & subsistence fisheries directed at Chinook.







#### **Escapement and Chinook Recovery.**

Spawning escapements were about half the beach capacity for Baker sockeye, adequate for Skagit coho, just slightly less than the escapement goal for Skagit pinks, and miserable for Skagit chum (due to low flows during the update period, the chum run size was overestimated). Chinook production was severely reduced by the floods of 2003, but, due primarily to harvest restrictions throughout the Northwest, spawning escapement of Skagit summer/fall chinook was decent (above 10,000), but did not exceed the 14,500 threshold required to conduct directed chinook fisheries. Escapement of springs, however, was poor (about 600 wilds). The reduction in Chinook run sizes in 2007 (relative to the high run sizes in five of the last seven years), was due primarily to habitat factors. Recovery will require habitat managers to improve the quality and productivity of fish habitat.

**Preterminal Fisheries.** Fraser sockeye runs were much lower than expected for all stock groups, and the U.S. catch was consequently limited only to a small C & S fishery - preseason TAC was 448,000, but the actual U.S. catch was about 3,900. There was a limited fishery on Fraser pinks - U.S. catch was about 376,000, of which about 217,000 was Treaty catch. In the Area 7/7A chum fishery, there were no Canadian preseason forecasts or in-season updates, except for a report that runs were not critical, so fisheries were conducted as scheduled. The Treaty fishery opened October 10, and was open nearly continuously from October 20 through November 17. Catches were very slow throughout the period. The total Treaty and Non-treaty harvest of Fraser chums was only about 27,000, much less than the U.S. quota of 191,000.

**Halibut.** Harvest Management staff issued regulations for halibut, smelt, and bottom fish. Swinomish fishermen landed about 4200 lbs of halibut in 36 landings, which is the highest total yet recorded. Total tribal catch of halibut was about 468,000 lbs.

**Chinook Recovery Plan.** The Skagit tribes and WDFW met in February to plan how to implement the Skagit chapter of the Puget Sound Chinook Recovery Plan, and how to coordinate that implementation with the Skagit Watershed Council. It is agreed that if this plan is fully implemented by all the affected parties, it will lead to recovery of Skagit Chinook. An organization and committee structure has been designed, but has not yet become functional. Substantial time that could have been used for plan implementation was instead diverted to addressing a lawsuit against the harvest management component of the Chinook Recovery Plan.



## SHELLFISH

The Shellfish Department provides technical assistance needed to manage the shellfish resource to achieve optimum benefits for the Swinomish Tribal Community and member fishermen. There are up to 21 annual management plans developed and negotiated with the State of Washington and affected tribes each year. These plans are finalized and signed by each party prior to opening the respective fishery. Continued emphasis has been put on allocated harvest goals and scheduled updates for adjusting harvest quotas in-season to help managers meet the court requirement for 50:50 sharing between the Tribes and the State.



**Crab.** Swinomish participates in four independently managed crab fisheries. Region 1, (Blaine, Bellingham Bay, Samish Bay, and the San Juan Islands), Region 2 East, (North and South Skagit Bay, Saratoga Passage, Holms Harbor, Port Susan and Everett), Region 2 West, (Admiralty Inlet down to Edmonds), and Region 3, sub-area 3-1 (West Beach and adjacent waters). All four Regions combined, Swinomish harvested 1,112,937 pounds of crab for the 2007 season, 52,000 pounds more than in 2006.

The average price paid Swinomish for crab caught in the 2007 summer fishery was \$2.38, thirty-seven cents more than was paid in the 2006 summer fishery. The average price paid for the 2007 winter fishery was \$2.55, two cents more than in 2006. Increased harvest coupled with increased value for the 2007-08 crab fishery provided Swinomish fishers a very good season.

**Shrimp.** The spot shrimp fishery has become very important to the fishermen because it is the first fishery of the year, high value is paid for the resource and the income generated from the fishery comes at a time when it can be used to gear up for the crab season.

As with crab, Swinomish participates in four regionally managed spot shrimp fisheries. The high end market is for live product delivered to the dock, which can be difficult at times for fishermen as well as for buyers. The increased effort each year continues to shorten the number of fishing days which has had the affect of lowering the price paid per pound, however Swinomish did harvest twice as many pounds in 2007 (40,965) as it did in 2006 (21,605). State and Tribal technical staff will continue to meet in an effort to develop studies needed to make future management decisions in a very complex fishery.

**Dive Fisheries.** Swinomish participates in three dive fisheries: Sea Urchin, Sea Cucumber and Geoduck. Considerably more effort went toward the green urchin fishery last season, Swinomish divers harvested 33,704 pounds in 2007 compared to 3,113 pounds in 2006. Few pounds of red urchins were harvested last season primarily because of the low price paid per pound. The sea cucumber harvest remained the same for 2007 and 2006, about 6,500 pounds each season. Swinomish harvests geoduck off of two tracts, one located along the west side of Whidbey Island and the other just north of Kingston. The Kingston tract has been closed since December, 2006 due to high levels of PSP (Paralytic Shellfish Poisoning) and the tract along Whidbey Island was closed half way through the fishery because of the lower quality geoduck there.



SRSC research functions have been divided into Juvenile Studies and Adult Studies, with a different field biologist in charge of each function. This year, Juvenile Studies staff concentrated on sampling smolts in the Skagit delta and nearshore areas. The purpose of these studies is to identify freshwater and estuarine constraints on juvenile fish production so that we can propose restoration actions that will remove or reduce those constraints and increase overall production. Juvenile Studies staff spent a considerable amount of time describing those constraints, and the analyses used to determine what those constraints are, for the Skagit Chinook Recovery Plan.

Adult Studies consisted of test fishing, collecting summer and fall chinook broodstock for indicator stock research, chum spawner surveys, a chum mark recovery project to estimate chum escapement, and surveying in the area around Marblemount Hatchery to estimate the number of hatchery spring Chinook that spawn in the wild. The purpose of these studies is to determine how many adult fish there are, the composition of these runs, and where they are caught outside the Skagit. Broodstock collection goals (about 90 fish for each program) were exceeded for both summer and fall Chinook.



The purpose of the Environmental Services Program is to develop and carry out activities that protect and enhance salmon, bottom fish, and shellfish habitat. As with the Research and Harvest Management departments, the Environmental Services department spent considerable time working on implementing the Skagit Chinook Recovery Plan. Environmental Services' role was to list project priorities and begin to implement the highest priority actions.

We worked on protecting fisheries habitat within agricultural lands and provided input to the Washington Department of Fish and Wildlife on their Drainage Maintenance Agreement and to NOAA fisheries on their attempts to provide a faster permitting pathway for farmers that wish to replace tidegates. We also provided technical information to Tribal attorneys on the impacts of illegally installed new tidegates on agricultural lands. SRSC also played an active role in providing technical information for the Culvert Case in US v Washington.

We were also involved with the implementation of the re-licensing agreement for Baker Dam with Puget Sound Energy, and worked with Seattle City Light on the implementation of their federal hydropower license. We continue to review all local, State, and Federal permits that may have an impact on salmon and shellfish. In this capacity, we work with the County and WDFW to prevent loss of habitat. As part of these efforts, we have continued water quality monitoring throughout the Skagit Basin lowlands.

## HUNTING AND WILDLIFE

Treaty Tribes are demanding answers from the Washington State about their continuing efforts to erode treaty hunting rights. The State has arrested several tribal members for hunting on private lands with landowner's permission, and Tribes have responded by putting the State on notice that they intend to litigate the issue in Federal Court. At the same time, the Tribes will continue to maintain management continuity with State Co-Management Agreements. The Swinomish Tribe is actively pursuing another Interim Agreement to hunt on private timberlands similar to last year. This year, our goal is to expand access to hunting grounds with other private timber companies. This endeavor will not be easy but the goal is shared with all of the Point Elliott tribes. Todd Wilbur, Swinomish Game Manager, continues to serve as Chair of the Northwest Indian Fisheries Commission's Inter-Tribal Wildlife Committee, a forum for tribes to discuss hunting issues and management development for big game and other wildlife resources.

**Co-Management.** Years of work on the Nooksack elk joint augmentation project provided bull elk hunts for both non-Indian and Point Elliott treaty tribes that permitted tribes and opportunity to harvest 50% of 30 bull elk. This spring, Swinomish will be conducting a post hunt bull elk population survey to gather important data for 2008-2009 bull elk hunting in Game Management Unit 418. The La Nina winter of 2007-2008 and heavy snowfall through January, are making it difficult for wildlife in the Cascade Mountains. Swinomish is helping to provide feeding stations for elk winter survival to offset calf mortality which is expected to be significant in the upper elevations of the winter range. Nooksack elk are expected to fare better because their winter range is lower in elevation. Spring population surveys will be conducted to better evaluate calf survival and population size.

**Fish and Game Enforcement Program.** Fish and Game Officers Scott Miller and Ray Erps logged approximately 280 hours of vehicle patrol and 524 hours of boat patrol. Last year, there were 96 incident cases logged, 53 verbal warnings, 8 court referrals, 15 assists to other agencies, 6 boat tows and 2 jump-starts to disabled boats. Enforcement recovered 1 sunken boat for an Upper Skagit fisherman and 1 boat that was found adrift for a non-native fisherman. One fisherman was evacuated from a fishing vessel for a medical emergency and approximately \$36,000 of crab pots were recovered and returned to their owners.



## PLANNING AND COMMUNITY DEVELOPMENT



The Swinomish Office of Planning and Community Development's mission is to promote sustainable community development and ecological functions, and to expand the Tribe's capacity to exercise its sovereign rights through planning, analysis, education, and implementation. To accomplish its mission and the goals and objectives of the Swinomish Tribal Community, the Department works closely with the Swinomish Development Authority, the Swinomish Planning Commission and other committees of the Swinomish Tribal Senate. The Office of Planning and

Community Development is organized into four functional "Teams" to better address the complex issues that are handled by our department.

### COMMUNITY DEVELOPMENT TEAM

The Community Development Team oversees the building and permitting program, current planning, long range planning, transportation planning, and forestry program. The team's mission is to ensure quality in development activities to protect the environment, health, welfare and safety of all residents of the Swinomish Reservation while providing excellent and friendly customer service.

**Permitting Program.** Permitting program staff continued making improvements during 2007 in the efficiency and quality of permitting services provided to the Tribe and the Community. Coordination continues with Skagit County on permits for fee land owners under a Memorandum of Understanding (MOU) between the Tribe and the County.

In 2007 program staff completed and administered planning and permit approvals the Tribe's largest-ever development - the Tallawhalt Housing Project. Staff coordinated with the Swinomish Utility Authority and Public Works Department, as well as numerous project consultants, to process plans and applications for platting of 40 lots, site development and installation of utilities, and subsequent construction of 21 housing units. Staff also processed permitting for the new branch campus of the Northwest Indian College as part of the Tallawhalt plat and processed permits for the change-out of woodstoves in almost 100 tribal homes. The Department processed a total of 216 permits last year, up 43% increase over 2006, primarily due to the spike in permits issued for new woodstoves and housing units.

**Current (short range) Planning.** The administration of land use ordinances and review of development activity under these ordinances, also known as "current planning," continued in 2007. The overall goal is to ensure the Tribe's ability to govern land development activity within the Reservation.

**Comprehensive (long range) Planning.** Work also continued in 2007 on the update of the Swinomish Comprehensive Plan. As part of this long range planning effort, staff also began examining climate change data and it's potential impact on the Swinomish Reservation, and initiated efforts to identify appropriate responses and funding sources for future actions and potential projects.



**Transportation Planning.** The goal of transportation planning is to ensure adequate and safe roads within the Reservation serving the needs of the Tribe and the community and to secure funding to support needed road projects. Work continued in 2007 on issues related to the design and construction of a new road extension on Tribal development property south of Highway 20 to serve future economic development projects in that area. Staff secured funding for repairs and maintenance on Village and other residential streets and for improvements to the intersection of Snee-Oosh and Pull-&-Be-Damned roads. They also secured funding for repair and improvements to storm drainage in the Swinomish Village. Planning staff also continued work on an update of the Swinomish Transportation Plan, with assistance from a professional transportation consultant. The update is expected to be complete and available for public review and tribal approval later this year.



**Community Development.** The Community Development Team continued to work with the SDA and other tribal departments on a number of development projects bolstering tribal economic development and sovereignty, including an extension of the water and sewer lines south of SR20, the Tallawhalt housing project, and potential economic development on the north end of the Reservation. The Tribe continued to be an active member of the Economic Development Association of Skagit County (EDASC).

**Forestry Program.** Planning staff provided services to the Tribe and tribal members on planning and administration of forestry activities and timber sales, to help ensure healthy and productive forest lands within the Reservation. Activities completed in 2007 included a 23-acre harvest on Allotment 34-2, a 9-acre harvest on Allotments 6BJ and 6BK, and a 3-acre harvest on Allotment 47J.

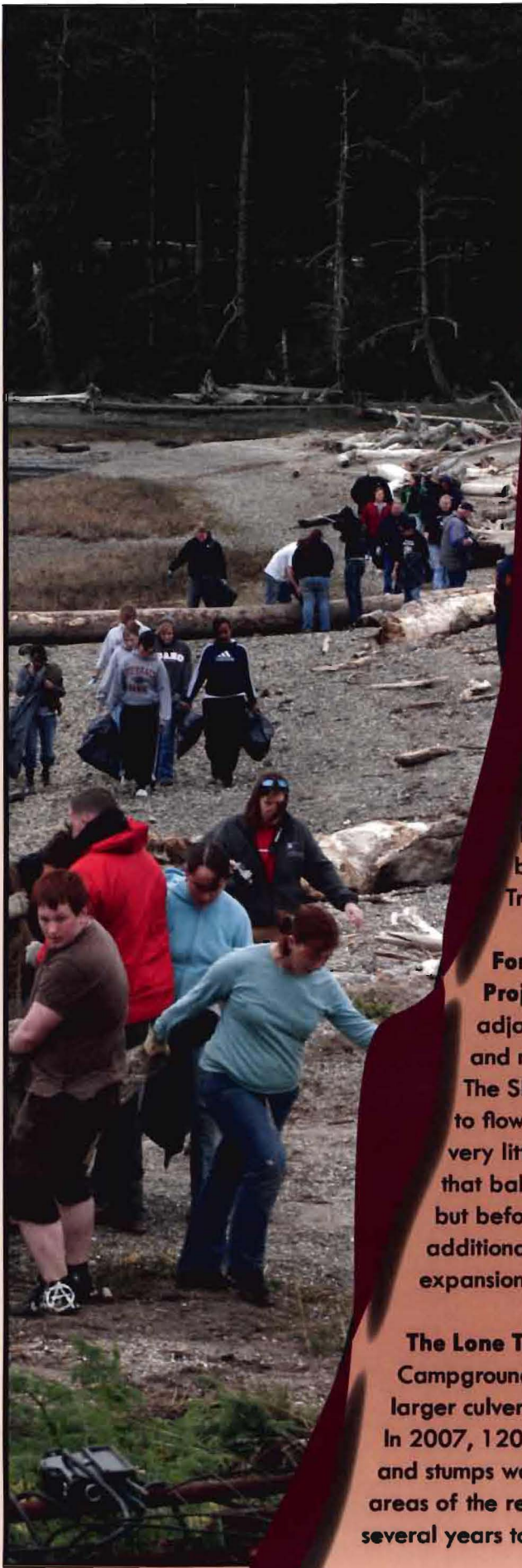
## ENVIRONMENTAL SCIENCE TEAM (Water Resources Program)

The Environmental Science Team is responsible for water quality monitoring of fresh, marine, wetland, and ground waters; habitat restoration; environmental education; beach and shellfish monitoring; and, water protection policy development.

**Water Quality (WQ) Monitoring.** WQ monitoring is important to assess the health of Reservation surface waters for human and wildlife uses. This year the Team is celebrating 10 years of WQ monitoring! In 2007 at 40 regular locations in Reservation waters, we gathered 785 samples for pH, temperature, conductivity, salinity, dissolved oxygen, and turbidity, 98 samples for fecal coliform bacteria, and 327 for chlorides. **Results indicate Reservation waters are healthy** except for minor temperature, dissolved oxygen, and pH problems during the summer. We will continue to monitor all locations in 2008 with a focus on Turner/Similk Bay this year.

**Wetland Amphibian Monitoring.** With the aid of volunteers, we started collecting amphibian population data in 1999 to evaluate wetland ecosystem health. Results of the study have found stable populations of our native frogs and salamanders with no non-native invasive species found. We will continue to survey our wetlands every spring.





**Herbarium/Assessment Project.** To date, we have collected, pressed, and mounted over 200 plants from Reservation wetlands and forests to use as a reference library in environmental and cultural education. Sixty-five plants have been identified by research and interviews as having a traditional use for the Swinomish people.

**Beach Projects: Trend Monitoring.** The Team has been monitoring the Reservation West Shore since May 2002 for changes in beach elevation and types of vegetation and sediment. With this information we will study long-term trends in beach and habitat stability.

**Clam Survey.** In 2007, the Team and volunteers dug 250 test holes and measured 2,200 clams of all species around Lone Tree Point to determine the health of the shellfish populations. Butter clam populations were very healthy on the sand bar and estimated at 21 pounds per acre, however, steamer clams were harder to find.

**Clam Paralytic Shellfish Poisoning (PSP) Monitoring.** PSP is a harmful toxin that affects humans if consumed. Butter clams have been collected at Lone Tree for 10 years and no PSP has been found to date. Monthly PSP results can be viewed on the Tribe's website or at the Planning Office.

**Fornsby Creek Self-Regulating Tidegate (SRT) Restoration Project.** In the Flats, 2+ miles of channels and 50+ acres of adjacent land have been restored with 10,500 native plants & trees and made accessible to juvenile salmon with fish-friendly tidegates. The SRT has been in use for 2 years allowing more saltwater and fish to flow in and out of the area. Our extensive WQ monitoring indicate very little to no salinity increases in the farmlands. SRSC has found that baby salmon are going thru the tidegates to the restored areas, but before the SRT they couldn't. In 2008, one more tidegate and 7000 additional trees & plants will be planted; and planning will begin on the expansion of restoration activities to other areas of the Flats.

**The Lone Tree Creek restoration project.** This project is within 1000 Trails Campground and replaced several fish blocking culverts with a bridge and larger culverts to allow baby salmon, including Chinook, to access the stream. In 2007, 1200 plants and trees were planted by volunteers and 30 logs and stumps were placed in the stream for fish habitat. SRSC found fish in all areas of the restored stream. We will continue to monitor WQ and fish use for several years to determine how much the project helped the environment.



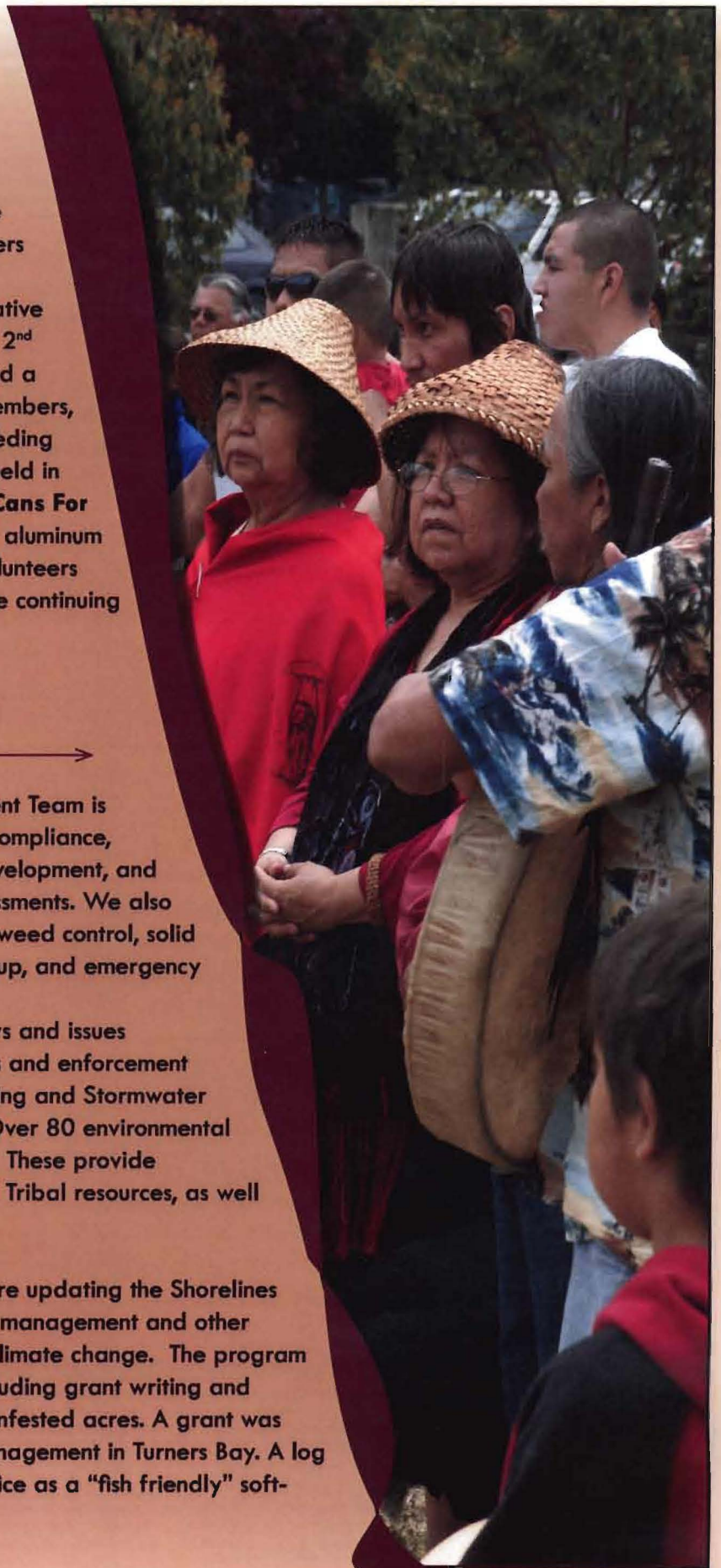
**Environmental Education Program (EEP).** In 2007, EEP completed 3 major Environmental and community events. 380 people participated contributed over 1,500 volunteer hours at the **5<sup>th</sup> Annual Swinomish Earth Day Enhancement Celebration**. The next Earth day is on April 19, 2008. As part of the Lone Tree Creek Restoration project, 8 volunteers from outside of the Community contributed approximately 75 hours and planted 1,200 native plants during **Volunteer Tree Planting Day**. The 2<sup>nd</sup> Annual **Swinomish Traditional Clam Bake** included a traditional foods lunch for 100+ community members, an educational booth, and a clam planting/seeding activity for youth. The next clam bake will be held in late summer/early fall 2008. The Swinomish **Cans For Kids** recycling program collected 1,000 lbs of aluminum for recycling. This project included 10 youth volunteers and approximately 50 volunteer hours. We are continuing collection in 2008.

## ENVIRONMENTAL COMPLIANCE AND MANAGEMENT TEAM

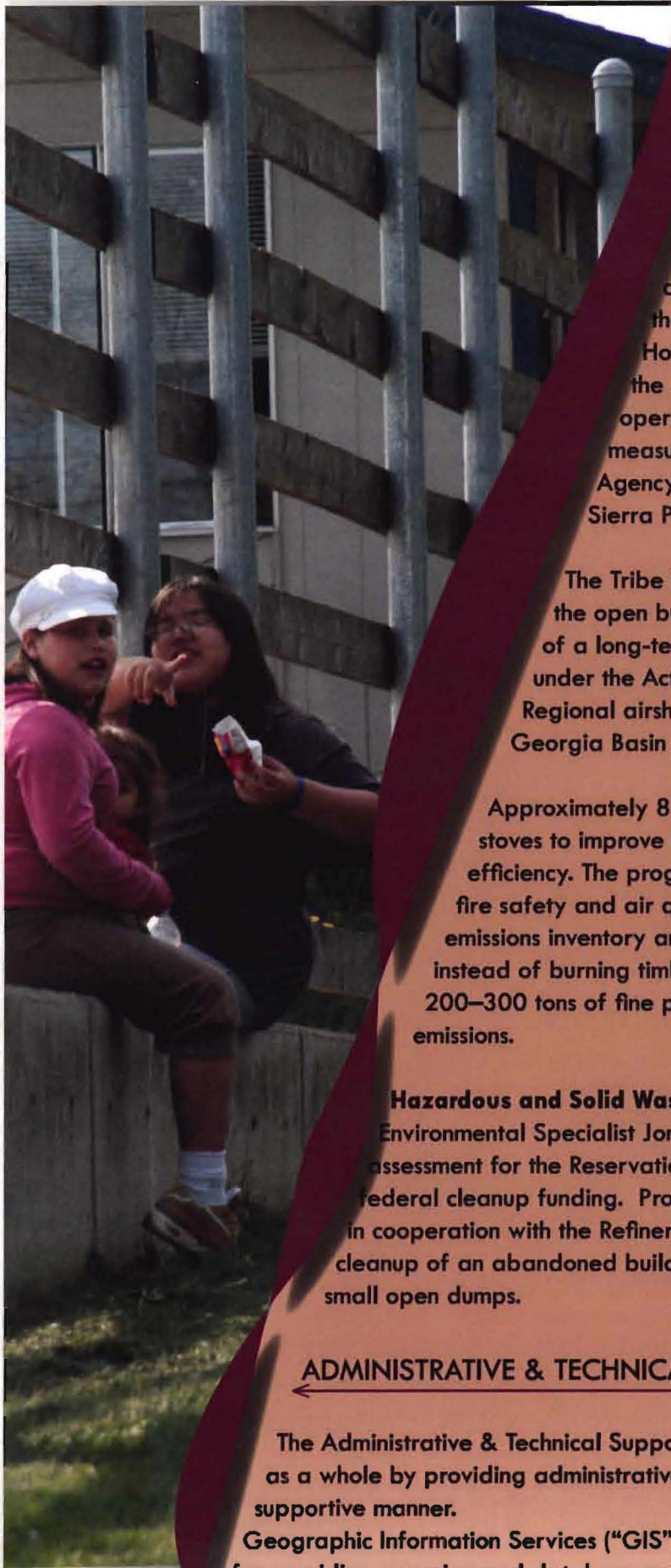
The Environmental Compliance and Management Team is responsible for environmental permitting and compliance, environmental regulatory coordination and development, and air quality protection including indoor air assessments. We also coordinate with other Departments on noxious weed control, solid and hazardous waste management and clean-up, and emergency response planning.

**Environmental Regulation.** The program reviews and issues environmental permits and provides inspections and enforcement for Shorelines and Sensitive Areas, Land Clearing and Stormwater permits, and conducts environmental reviews. Over 80 environmental permits and reviews were completed in 2007. These provide protection for the Reservation environment and Tribal resources, as well as asserting Tribal sovereignty.

**Shoreline Management and Planning.** We are updating the Shorelines Management Plan, including a study for eagle management and other bird habitats needs, as well as adaptation to climate change. The program assisted Public Works with Spartina control including grant writing and oversight, leading to a significant reduction in infested acres. A grant was developed for research on restoration and management in Turners Bay. A log structure was installed adjacent to Planning office as a "fish friendly" soft-armoring bank protection alternative.







**Air Quality.** Air Quality continues to be monitored for 5 key pollutants from sources on and off the Reservation. Our air data is now EPA certified and is uploaded to the national air database. A new air monitoring station was built on the north end of the Reservation, and Air Quality Technician, Lynette Ikebe, has completed several training courses to improve program capabilities and quality. There were no violations of the National Air Quality Standards measured in 2007. However, ozone concentrations were barely beneath the standard, sulfur dioxide measurements resulted in operating permit violations at Shell and nitrogen dioxide measurements are being used by the Northwest Clean Air Agency to add pollution control technologies at the new Sierra Pacific lumber mill Co-generation facility.

The Tribe is seeking federal delegation of authority to enforce the open burning portion of the Federal Clean Air Act as part of a long-term effort to gain the full delegation of authority under the Act within the Reservation. Staff participates in Regional airshed meetings and took a lead role for Tribes in the Georgia Basin / Puget Sound International Airshed Strategy.

Approximately 80 old wood stoves were changed out for certified stoves to improve indoor and outdoor air quality and improved heating efficiency. The program issues burn permits and enforce Burn Bans for fire safety and air quality. We are also initiating a greenhouse gas emissions inventory and reduction effort including encouraging chipping instead of burning timber harvest slash, resulting so far in reductions of 200–300 tons of fine particulates and over 500 tons of carbon dioxide emissions.

**Hazardous and Solid Waste.** Our “Brownfields” program, with new Environmental Specialist Jon Boe, is initiating a hazardous materials site assessment for the Reservation to determine what sites may qualify for federal cleanup funding. Program staff participated in 4 spill response drills in cooperation with the Refineries over the last 3 years. The Team completed the cleanup of an abandoned building, part of the McGlinn Boatyard area and 5 other small open dumps.

#### ADMINISTRATIVE & TECHNICAL SUPPORT TEAM

The Administrative & Technical Support Team ensures the efficiency of the Planning Staff as a whole by providing administrative and technical assistance to staff in a positive and supportive manner.

**Geographic Information Services (“GIS”).** The Swinomish GIS program is responsible for providing mapping and database support to the Swinomish Planning Department and other Tribal Departments. The GIS program continues to maintain and improve its mapping



information to support the mapping needs of the Planning Office, as well as numerous requests from other Tribal departments. In 2007, we continued to make our parcel and allotment boundaries more accurate, using information provided to us by the Bureau of Land Management (BLM) in the Geographic Coordinate Data Base (GCDB) project that was completed for Swinomish in late 2006.

**Grants Administration.** In 2007, the Grant program continued to manage and oversee approximately \$3.2 million dollars of grants and federal funding contracts for the Planning Department. The grant administrator provides environmental policy support on behalf of the Tribe at Tribal international, national, regional and forums. The grants administrator also collaborated with Western Washington Tribes, BC First Nations, EPA, and Environment Canada to facilitate and coordinate a third Coast Salish Gathering focusing on protecting the environment and natural resources of the Salish Sea.

**Realty Team.** The Realty program continues to assist Tribal members with Federal requirements for a variety of real estate transactions that require BIA approval and are governed by Tribal ordinances and federal regulations. This includes assisting landowners with gift deeds, partitionments, sales, leases, rights of way, and assisting with the marketing of residential lease lots. In addition, the Realty program works on fee-to-trust transfers, and in 2007 completed the transfer of 825 acres of land back into Tribal Trust status, and began processing an additional 89 acres for transfer to trust status. In 2008, the Realty Program will focus on training our new Realty Officer, Jennifer Wilbur, and completing as many of the active projects as possible.

**Cultural Regulatory Office.** In October of last year, the Tribe received funding from the Administration for Native Americans to establish a Cultural Regulatory Office to ensure that Federal regulatory processes such as Section 106 of the National Historic Preservation Act effectively protect cultural resources both on and off reservation. Larry Campbell has been hired as the Tribal Historic Preservation Officer and Theresa Trebon has been hired part time as the Cultural Resources Archivist.





## TRIBAL COURT

The Swinomish Tribal Court completed its fourth year of operation as a fully independent, fully functioning tribal justice system. During this time the court has increased its regular hearing dates from 2 to nearly 12 regular hearings a month, in addition to numerous unscheduled hearings. While the case load has steadily increased the percentage of cases resolved and closed has also increased. Court clerks are now nationally certified as a tribal court clerks and probation officers continue to attend on-going training. Judge Pouley is on the Executive Committee of the Board of Directors of the National American Indian Court Judge's Association (NAICJA). And staff continues to benefit from training opportunities and display professionalism at all times when providing services to the community.

In early 2007, the physical relocation of the clerk's office vastly improved the facility for the clerks and the public. The former "break room" was remodeled to accommodate the clerks' office and the office of the tribal advocate. The clerks now enjoy a work space that is comfortable, adequately secures important court records, and allows for efficient and professional contact with community members. All court services are now located together on the south end of the second floor of the Social Services building.

**Caseload.** The court began 2007 with 298 pending cases and ended the year with 541 pending cases. In 2007, 548 new cases were filed (121 civil, 121 adult criminal, 7 juvenile criminal and 394 civil traffic infractions) and 592 were disposed. On average, 46 new cases were filed each month in 2007. The number of new filings is slightly lower than 2006, but substantially more than 2004 or 2005. The court collected \$45,502.98 in fines and fees, primarily from increased traffic enforcement, and each month there are approximately 70 adults and 10 juveniles on active probation.

**Tribal Prosecutor.** In 2007 the tribe's first full-time prosecutor, Cami Fraser, left Swinomish to pursue other legal challenges in Indian Country. The tribe was fortunate to bring in Jamie Jones to fill the position of Tribal Prosecutor. Jamie represents the Tribe in a wide variety of civil and criminal cases in Tribal Court. Her primary responsibility is to maintain a safe community by holding individuals accountable for actions that violate tribal law, including violations of the Tribe's criminal code, natural resources violations, traffic infractions, exclusions, asset forfeiture, juvenile dependencies and other juvenile matters.

**Tribal Advocate.** The tribe also saw a change in the office of the Tribal Advocate, securing the services of an attorney with many years of experience in the legal profession. Dennis Scott has embraced his role as Tribal Advocate, representing indigent defendants in criminal court proceedings and serving as a member of the Swinomish Youth Wellness Court. In 2007, the Tribal Advocate's responsibilities were expanded to include certain probation cases. In order to qualify for a Tribal Advocate, criminal defendants must apply to the Court Clerk's office and demonstrate that they meet certain income and financial requirements.

**Youth Wellness Court.** The Swinomish Youth Wellness Court completed its third full year of operation in 2007. The mission of the Youth Wellness Court is to promote a substance-free lifestyle for our youth and their families through the cooperation of the Court, Tribal Services and the Community. The Wellness Court's mission is consistent with the court's overall mission of being an agent for healing in the community. The Wellness Court team is composed of interdepartmental personnel from the Court, the Wellness Program, Family Services, Education, Mental Health, Police, Social Services and representatives from the La Conner schools. The Wellness Court team meets weekly to discuss each client's progress and plan the coming week's activities. This year, three Swinomish youth graduated from the program. Beyond the primary goal of successfully maintaining a clean and sober lifestyle, each of the graduates demonstrated significant growth in their maturity and ability to be responsible members of the Swinomish Community today and in the future.





## SWINOMISH POLICE DEPARTMENT



*Law and Order Committee*

The Swinomish Police Department consists of thirteen full-time employees: the Chief of Police, a Lieutenant, two Sergeants, six Patrol Officers, two Record Clerks and a Code Enforcement Officer. The department also has four volunteer reserve police officers. The department enforces Tribal ordinances along with State and Federal laws.

**Caseload:** In 2007, the Department handled a total of 2,442 cases compared to 2,622 in 2006. Cases handled in 2007 include: 410 civil traffic infractions; 83 court papers served; 59 alarms; 129 medical assists; 51 animal problems; 59

reported DUI's; 64 non-reportable traffic collisions; 18 Domestic Violence arrests; 164 alcohol related incidents; 45 drug related incidents and 246 total department arrests. All together, there were 82 custodial arrests, 124 cite and release arrests and 40 referrals for criminal charges.

**Comparison:** 2007 department cases as compared to earlier years;

| YEAR                      | 2004 | 2005 | 2006 | 2007 |
|---------------------------|------|------|------|------|
| Domestic Violence Arrests | 15   | 20   | 30   | 18   |
| Reported DV Incidents     | 49   | 51   | 60   | 60   |
| Alcohol Related DV        | 24   | 27   | 45   | 31   |
| Department Arrests        | 105  | 149  | 219  | 246  |
| Alcohol Related Incidents | 275  | 236  | 173  | 164  |
| Drug Related Incidents    | 34   | 34   | 31   | 45   |

**Accomplishments:** In 2007, the police department was able to create a new on-line web site for the department. A "link" to the police department's web site is on the Tribes web site. The department was awarded a C.O.P.S. grant that enabled the department to add three vehicles to the department's fleet and began the process of becoming "accredited" by the Washington Association of Sheriffs and Police Chiefs (WASPC). The department plans on achieving the goal by the end of the year and will be the first Tribal law enforcement agency in Washington to become accredited.



## SWINOMISH GAMING COMMISSION

The Gaming Commission is responsible for on-site regulation, control and security of the Gaming Operation and oversight of class II and class III gaming within the boundaries of the Reservation. The Gaming Agency (TGA) ensures compliance with tribal laws, Washington Tribal-State Compact requirements and NIGC minimal internal controls standards. In 2007, the Gaming Commission instituted a number of organizational changes. The Commission hired Ron Williams, a Swinomish tribal member, to serve as the new Director of the Gaming Agency and oversee all TGA operations. And the Surveillance Department was moved out of TGA and back under Casino Management and new Surveillance Director Jose Maciel. The Commission also hired several new Gaming Agents, licensing and soft count employees and a new Executive Secretary, Janie Beasley. Sixty percent of the Commission staff are now tribal members and as new positions open up, Tribal preference will continue to apply for all qualified applicants.

The Commission completed a number of important projects in 2007, including the installation of new slot machines and games on the Casino floor and the new Aurora Room, a non-smoking section that opened in early summer. All of the new slot machines were rigorously tested and approved before they were allowed to go to live play for the customers. And in a symbolic move, the TGA went back to the Tribal Logo which is now used to represent both the Commission and Agency:

Through out the coming year, Gaming Agency employees will receive additional job training as well as official WSGC training including new agent training, TLS (slot) training and audit training to improve both knowledge and skills. Training will always be on going so that staff can improve their skills, improve opportunities for advancement and keep up with the growing Casino industry. The Tribal Gaming Agency will continue to strive for excellence in its staff and an exemplary working relationship with Casino Management and Personnel to ensure the Tribes continued success for years to come.



## SWINOMISH NORTHERN LIGHTS CASINO

The Casino continued to experience positive growth in revenue in 2007. Renovation of a portion of the bingo hall resulted in an additional 4,000 square feet of smoke free gaming. We opened our new Smoke Free Aurora slot room, bar and satellite cash cage to positive reviews from our guests. Additionally, the floor plan of the existing gaming floor was adjusted to make room for 75 additional gaming stations. By maximizing the existing floor plan, the casino was able to add new products like Cadillac Jack Class II and Bally Stepper Class II machines resulting in one of the most diversified gaming floors in the northwest. We experienced better than expected

responses to our marketing programs that included live mixed martial arts, pay-per-view events, football parties and headliner acts such as Carlos Mencia and Ed McMahon. The RV park occupancy rates continued to improve in 2007, with the park frequently at full capacity. The New Year's Eve celebration provided the casino with



record-breaking revenues for any one day in the casino's history.

The Waste Water treatment facility was completed in the fall of 2007 allowing us to begin the decommissioning of the lagoon. In the upcoming year, we will drain the lagoon and complete the construction of a new parking lot that will accommodate an additional 205 surface spaces for our guests.

Revenues increased approximately 4% over 2006, while operating expenses rose approximately 9%. The casino transferred 100% of net income and depreciation to the Tribe. With the help of increased recruiting and a successful job fair, total employment increased from an understaffed environment of 256 to a strong 361 team members by the end of 2007. There were 339 full-time employees, 10 part-time employees and 12 on-call employees. Tribal member and spouse employment was 20. The Casino will continue to participate in programs to recruit and retain Tribal members. The Casino is providing training programs to all team members to help provide skills for future advancement.

During 2008, the Casino will continue to transition the focus of the marketing program. The revised marketing program will focus on the collection of credible data by our newly installed player-tracking program. Analysis of the data will assist the Casino in developing cost effective marketing programs and promotions. We operate in a highly competitive environment and future growth will be determined by our ability to attract new customers, provide an environment where our guests play longer and offer products that encourage guests to play more. We will continue to provide diverse and high quality entertainment. We will be keeping a close eye on leading economic factors that pertain to our industry. We have heard industry experts predict that we could experience flattening or declining revenue growth in 2008. With the state of the economy in mind we will evaluate all capital expenditures, evaluate labor costs and use strong management practices to minimize the negative effect of the economy on the business.





## LEGAL DEPARTMENT



The Office of Tribal Attorney (OTA) provides legal support and advice to the Swinomish Tribal Community through its governing body, the Swinomish Senate, its committees and governmental departments. It seeks to aid the Senate in making its visions - as reflected in its annual goals - a reality.

### TREATY FISHING RIGHTS

Much of the fisheries related work this year continued to focus on resisting the newly recognized Samish Nation's attempt to reopen *U.S. v. Washington* (the **Boldt Case**), on protecting the Tribe's

fisheries in Saratoga Passage from incursions by the Suquamish Tribe, on further defining the Tribes' rights to harvest shellfish, and on improving and obtaining additional protections for salmon habitat.

**Threat to Salmon Fishery.** In 1999, Puget Sound Chinook was listed as a threatened species under the Endangered Species Act (ESA) and the National Marine Fisheries Service, the federal agency with oversight of marine fisheries, was charged with ensuring that all activities, whether they be harvest, habitat, hatchery, or hydropower related, not harm listed fish. In 2006, a group of environmental organizations, including Washington Trout, filed suit against the Service and claimed that the agency's approval of the Tribes' and State's harvest management plan which allowed for the incidental harvest of Chinook violated the ESA. If those organizations were to be successful, tribal fisheries could be shut down. In conjunction with other treaty Tribes, Swinomish Tribe defended the Tribes' management plan against this attack. We are awaiting a decision from the court.

**Suquamish Incursion into Skagit Bay and Saratoga Passage.** In October 2003, the Suquamish Tribe filed a regulation opening up Holmes Harbor and Saratoga Passage for crabbing - an action Suquamish had never taken before. In doing so, Suquamish threatened to upset the balance struck by Swinomish, Tulalip and Upper Skagit. We immediately filed a lawsuit in federal court and filed a motion seeking a temporary restraining order to stop Suquamish from fishing in those areas. The motion was denied, but in the lawsuit, Swinomish and Upper Skagit separately asked the Court to enter an order limiting Suquamish fishing areas (U&A) to the western side of Puget Sound. In the fall of 2006, all three Tribes asked the Court to decide the case without the need to go to trial. After a hearing, the Court ruled in favor of Swinomish and Upper Skagit and held that Suquamish's U&A did not include Skagit Bay or Saratoga Passage. Suquamish has appealed to the Ninth Circuit. The parties filed their written arguments with the court in 2007. The case will likely be scheduled for argument in 2008.

**Samish Treaty Rights.** In December 2002, the District Court denied the newly recognized Samish Nation's request to reopen a 22 year-old decision in *U.S. v. Washington*, that had denied Samish treaty right status. Samish appealed and the 9<sup>th</sup> Circuit Court of Appeals reversed the District Court in a decision contrary to three of the Court's prior decisions. Our request for rehearing by the full panel of the appellate court and our request for review by the U.S. Supreme Court were both denied. The issue of whether the Samish can reopen a decision in *U.S. v. Washington* that denied them treaty rights was sent back to the district court for further proceedings. An effort was made to resolve some of the issues in the court in which Samish obtained recognition in the *Greene*



case, but that court also sent the issue back to the district court in *U.S. v. Washington*. Argument on whether the Samish can join this case (and thus fish under the treaty) was held in the fall of 2007. We expect a ruling from the district court on whether Samish can join the case and, if so, on what terms, in 2008.

**Shellfish - Commercial Grower Settlement.** The settlement agreement crafted by the Tribes and commercial growers which would require the Tribes to give up their right to harvest shellfish on natural beds on grower tidelands in exchange for, among other things, \$33 million, the right to purchase 80 acres of grower tidelands in North Puget Sound, and the right to lease certain tidelands upon expiration of the current lease with the growers, became final in 2007. The Tribe received its first installment of the settlement money for shellfish enhancement and is now contemplating its use of the money, which might include purchase of shellfish beds in Samish Bay.

**Shellfish - Minimum Density Settlement.** In order to resolve a dispute over the minimum amount of clams (the "clam density") required for a shellfish bed to be determined a "natural bed" under the Shellfish Implementation Plan, the Tribes sought court intervention. A settlement agreement was reached with the State, the Growers and the Tribes in 2006 and was adopted by the Court in 2007.

**Shellfish Implementation Plan Revisions.** When the Tribes' treaty right to harvest shellfish was recognized by the Court, the Court issued a plan which was to govern the management and the conduct of the shellfishery. Over the years, the State and the Tribes, both collectively and individually, have proposed revisions to the Plan to ensure more orderly shellfisheries. The revisions address, among others, the development of annual management plans, when an entity may fish outside of a management plan, and how to handle disputes. It is anticipated that some, if not all, of the proposed revisions will be filed with the Court.

**Fishery Allocation Principles.** In 2005, the Skokomish Indian Tribe filed a lawsuit against the Port Gamble S'Klallam and the Jamestown S'Klallam in which Skokomish requested that the court allocate fishery resources between it and the S'Klallam Tribes in Hood Canal. While Swinomish was not concerned with that particular intertribal allocation, it was concerned about which principles the court might apply to the issue of intertribal allocation. Much to the surprise of all of the Tribes, the district court ruled that it had no jurisdiction over intertribal disputes. Swinomish joined with other tribes in an appeal to the Ninth Circuit, which has been briefed and is now waiting for the Court to set a date for oral argument. In the meantime, numerous tribes that were concerned about the loss of a forum to resolve intertribal disputes met to develop principles and procedures for the resolution of such disputes. Along with several other tribes, the OTA has taken the lead in drafting proposed principles and procedures for Tribes to review.

**Washington State Ferries (WSF) Agreement.** We are continuing to assist Fisheries and Planning in negotiations with WSF over the impacts of various WSF construction projects on fisheries habitat, cultural resources and treaty fishing rights. Project sites under discussion include Anacortes, Mukilteo, Keystone and Port Townsend.

## TREATY HUNTING RIGHTS

**Access.** The OTA assisted the Hunting and Wildlife Manager in negotiating an agreement to provide access to lands formerly owned by Crown Pacific. This agreement expands the areas in which tribal members may hunt for game.





**Skagit Instream Flow Rule.** In 2003, the Tribe intervened in a lawsuit in Thurston County brought by Skagit County against the State Department of Ecology to invalidate an administrative rule that protects fisheries by preventing additional withdrawals of water from the Skagit River when flow levels necessary to sustain healthy fisheries are not met. Despite Tribal efforts in assisting Ecology in its defense of the new rule, Ecology ended up settling the case with the County, adopted amendments to the rule, and then got court approval of the settlement—all without the knowledge of the Tribe and other parties. Upon learning of the settlement, the OTA immediately filed a motion to overturn approval of the settlement. That motion was successful.

However, even without court approval of the settlement, the rule amendments and settlement between County and Ecology continue in effect. The Tribe is considering a legal challenges to Ecology's rule amendment. The City of Anacortes, one of the other parties, in 2007 filed a series of lawsuits against the County in an attempt to overturn the County-Ecology settlement. All but one of those lawsuits was dismissed, and the remaining suit was recently settled by Anacortes and the County.

**Samish Instream Flow Rule.** Ecology also expects to revive the process of adopting a similar instream flow rule for the Samish River Sub-basin. It is expected that a formal Rule proposal will be circulated in 2008 and that the OTA will participate in meetings on Ecology's ideas for the proposed rule and will devote considerable effort to provide comments on Rule proposals and make sure that the administrative record for the rule contains all relevant scientific information on fisheries needs.

**Skagit Water Agreement.** The Tribe filed a lawsuit in Snohomish County Superior Court against the County to enforce the terms of a 1996 agreement which require the County to limit the number and amount of additional water withdrawals from the Skagit River and its tributaries during periods of the year when there is inadequate water supply to meet fishery needs. The court dismissed this case and the Tribe appealed. Division One of the Washington State Court of Appeals issued a strong opinion that reversed the Superior Court decision and reinstated the Tribe's claim for enforcement. We are assisting the Tribe in exploring possible strategies for proceeding with the litigation, as well as amicably settling this case.

**Support of Extension of Public Water Lines in Sensitive Basins.** The same 1996 agreement with the County supports the extension of public water lines into Skagit River tributary sub-basins that experience low flows at times that are critical for salmon spawning and rearing. It is hoped that extension of public water lines will decrease the use of individual wells for residential water supply and thereby increase stream flows in these critical sub-basins. The extension of PUD water lines was challenged in 2007 in a lawsuit in Snohomish County Superior Court. The Tribe requested permission to file a "friend of the court" brief explaining to the Court the importance of salmon to the Tribe, and the importance of preserving the flows needed to support robust salmon populations. The legal challenge was later dismissed, and the extension of the PUD water lines will proceed. However, a new challenge to extension of other PUD water lines throughout Skagit County was filed with the Western Washington Growth Management Hearings Board recently, and the OTA will file a "friend of the court" brief explaining again the importance of salmon and of adequate flows for salmon.



## HABITAT PROTECTION

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**The Culvert Case.** In 2001, Swinomish and other Tribes filed a lawsuit against the State seeking a declaration from the Court that the State has a duty to refrain from building and maintaining culverts under State roads which block or reduce fish passage, degrade fish habitat, and reduce the amount of fish that can be produced in that water system. Early last year, the Tribes and the State asked the court for a ruling on whether or not the State has such a duty. In late August, the Court held that that the state "could not take actions that would significantly degrade the resource;" that state action to construct and maintain its culverts had violated the treaty right; and as a result the treaties "imposed a duty on the State to refrain from building or operating [state owned] culverts that hinder fish passage and thereby diminish the number of fish that would otherwise be available for Tribal harvest." The Court left for another day the question of how the Court would implement the order. Shortly thereafter, the State and the Tribes agreed to meet to see if they could arrive at a negotiated settlement. Negotiations are ongoing between the legal, technical and policy teams. The Swinomish Chairman is the lead negotiator for the policy team.

**Skagit County Critical Areas Ordinance.** The Tribe's fisheries biologists have determined that agricultural activities in the Skagit River Basin are detrimental to salmon and their habitat and that vegetated buffers along the river and its tributaries are necessary to minimize those impacts. The Tribe and Skagit County separately appealed decisions by the State Growth Management Hearings Board regarding the requirement of buffers and regulation of agricultural lands in the County's Critical Areas Ordinance. The Ordinance is a major retreat from the County's prior actions, prior Court decisions and the best available science - all of which support riparian buffers on agricultural lands. The two cases were consolidated and transferred to the State Supreme Court. The case was argued on February 7, 2006 and a split decision was handed down in late 2007. The Tribe lost its appeal with the result that the County need not require riparian buffers on agricultural lands along streams, but won the County's appeal on monitoring and adaptive management. However, the Tribe has asked the Court to reconsider its decision. Additionally, the state legislature enacted legislation that imposed a moratorium on the adoption or amendment of critical area ordinances and that referred the issues at the heart of the Tribe's litigation to the Ruckleshaus Center for exploration and recommended action by the legislature.

**Tidegates.** The Skagit delta once consisted of wetlands with rivers and streams running through it. Much of that delta is now cut off from Puget Sound by levees and tidegates designed to block the tidal surge of seawater inland, yet allow the passage of freshwater draining from the delta farmlands into the bay. The combined effect of the drainage, diking, and tidegate systems is the loss of estuary habitat for chinook salmon, a species listed as threatened under the federal Endangered Species Act, or ESA. Diking and drainage districts which are responsible for constructing, operating and maintaining these tidegates must obtain a permit from the Corps of Engineers under the federal Clean Water Act (or CWA) before conducting any work in the water. Tribal scientists have proposed that delta tidegates be self-regulating, that is, allow both the inflow of seawater and fish and outflow of freshwater, but have met resistance from the agricultural community. In 2002, Dike District No. 22 failed to get a permit and constructed a tidegate that was not self-regulating. The Tribe complained to the Corps, with the result that the Dike District applied for an after-the-fact permit. Before the Corps could issue such a permit, it had to consult with the National Marine Fisheries Service on the issue of whether the issuance of the permit would adversely affect chinook. The Service found that the District's tidegate blocked 287,355 juvenile Chinook in the summer and spring of 2003 and thus adversely impacted chinook. The Tribe, with the assistance of the OTA, initially sought a mediated solution to the Dike District's action, but when that failed, the Tribe filed suit against the Dike District, alleging violations of the ESA and the CWA.



**Air Quality.** The Tribe joined the National Congress of American Indians and several other Tribes from around the Country to challenge recent EPA regulations on mercury emissions. The Tribes and NCAI believe that those emissions will contaminate fish and make them unsafe for consumption. The Tribes and NCAI submitted a brief in support of their petition for review of the mercury rules. That brief was supported by, among others, a declaration of the Tribe's Fisheries Manager. The case was argued in early December 2007 and decided in favor of the Tribes on February 8, 2008. We are currently waiting to see if EPA will appeal the ruling to the United States Supreme Court.

**Water Quality.** The Tribe has asked the Environmental Protection Agency to recognize its inherent authority to regulate the quality of waters within the Reservation. In 2007, the Office of Tribal Attorney submitted supplemental proof of its authority to the EPA and responded to comments from the State and private individuals regarding the Tribe's application. If approved, the Tribe will begin regulating water quality in 2008.

## TRIBAL LANDS

**Shelter Bay Rent Adjustment.** The Shelter Bay leases require a rent adjustment every ten years. The Tribe, along with individual owners of land leased to Shelter Bay Company and the BIA, engaged in unsuccessful negotiations in 2005 with Shelter Bay Company over the rental rate and over Shelter Bay's request to extend its leases beyond 2044. After negotiations ended, the Tribe started an arbitration of the rent adjustment. The leases were amended to allow arbitration by one arbitrator instead of three. A hearing was held by the arbitrator in late November 2006 on several legal issues raised by the Tribe concerning the method of appraising the Shelter Bay land. In November 2007, a week-long trial was held before the arbitrator. OTA actively participated in the trial as counsel for the Tribe, along with outside co-counsel. In January 2008, the arbitrator ruled that the value of the Shelter Bay lands is \$19.4 million, and that the rent is \$1,358,000 per year. This represents a large increase in the annual rent of \$210,000 paid by Shelter Bay Company from 1993 to 2003. The Shelter Bay Company has agreed to begin paying the rent on July 1, 2008 and not to appeal the decision to the BIA. We are currently working with Shelter Bay to make arrangements to pay approximately \$6,258,000 in back rent for the years 2003 to 2007. We expect the BIA Regional Director to affirm the Arbitration Award in the next few months.

**Cascade Natural Gas.** In 2007, the OTA assisted the Tribe in entering into agreements with Cascade Natural Gas to install lines to provide natural gas for the homes constructed on the Tallawhatch property, as well as for the building being constructed by Northwest Indian College. We are currently working with the Realty Officer on Cascade Natural Gas' application for a long-term right of way for these lines.

**Puget Sound Energy.** Puget Sound Energy seeks to renew a right of way for a transmission line over Tribal and allotted land. We are working with the Planning Department to negotiate the terms of a renewed right of way. We have obtained appraisals of the affected Tribal and allotted land to assist in the negotiations. We also assisted the Tribe in entering into agreements with Puget Sound Energy to install lines to provide power to the Tallawhatch homes and Northwest Indian College building.

**New Public Works Department Site.** The new facilities for the Tribal Public Works Department is located at the former Indian Road dumpsite. The Office of Tribal Attorney is working with the Public Works Department to clarify title to the land.

**Housing.** We have also assisted the Housing Department with enforcement of its rules and regulations, in negotiating agreements with federal agencies and in revision of rental documents. We worked with the Utility Authority to prepare an agreement for extension of a water line to the Tallawhatch property. We worked with private utilities to reach agreements on extension of telephone and cable services to the Tallawhatch property.



**Casino Drive.** We worked closely with the Planning Department to analyze the legal status of Tribal land under Casino Drive and to draft documents for transfer of maintenance responsibility and title from the County to the Tribe and the United States. The County has now transferred its interests in Casino Drive to the Tribe. We are assisting the Planning Department with an application to have the lands under Casino Drive taken into trust by the United States.

**Tidelands.** The Tribe has identified various encroachments and trespasses on, or illegal sales of, its tidelands and various tideland areas of the Reservation where the Reservation boundary lines have not been determined by the courts. In 2007, the Office of Tribal Attorney reviewed the relevant law and began working with the Planning Department and others to develop comprehensive strategies to address these problems and to complete significant factual research related to these issues.

## TRIBAL TRUST ASSETS

**Mismanagement by the United States.** The Tribe filed a lawsuit against the United States alleging mismanagement of monetary assets held by the United States in trust for the Tribe and breach of trust duties owed by the United States to the Tribe. Together with the United States, the OTA obtained a referral of the case to Alternative Dispute Resolution, or ADR. The parties hope that ADR will offer a cost-effective process to evaluate and settle the Tribe's claims. In the meantime, the Tribe requested that the United States provide certain information and documents to the Tribe. To date, the United States has provided approximately 40,000 pages of documents. With the aid of consultants, we are analyzing these documents. We are also working internally to complete the extensive factual and legal research necessary to prosecute this case.

## ARCHAEOLOGICAL AND CULTURAL RESOURCES

The Office of Tribal Attorney has provided legal support to the Gwadzadad Committee on several important issues including permitting and the discovery of human remains or other cultural property at non-Indian development or power-production sites in Skagit, and surrounding counties, commenting on proposed federal or state statutes or regulations that affect human remains or other cultural property, the repatriation of remains from the University of Puget Sound, Oregon State University, and the Karshner Museum, protection of the Skagit cemetery at Long Point on Whidbey Island, and protection of the historic Kikiallus village near Cama Beach State Park on Camano Island.

## PROGRAM SUPPORT

**Gaming Commission.** The Office of Tribal Attorney continued to provide legal support for the Swinomish Gaming Commission. The Gaming Commission has primary regulatory authority over the Casino, is responsible for insuring the Casino's compliance with tribal and federal laws and with the Tribe's gaming compact with the State, and licenses all employees and vendors at the Casino.

**Departments, Boards and Commissions.** The Office of Tribal Attorney also supports the ongoing needs of the Utility Authority, Housing Authority, Social Services Programs, Law Enforcement Department, Planning, Enrollment Department, Environmental, Realty, Tribal Employee Rights Office (TERO), and Administrative functions. Legal staff review contracts and standard forms utilized by departments, assist in negotiations with State and Federal agencies, respond to employment and program technical questions and represent the Tribe in budget discussions with Federal and State governments. The Office of Tribal Attorney also has worked on risk management strategies to prevent, protect and defend against legal claims that may be made against the Tribe.



## SWINOMISH DEVELOPMENT AUTHORITY

The SDA was very active in 2007 with several projects that will be important for the future of the Community.

**Swinomish Northern Lights Gas Station.** The star of tribal economic development in 2007, outside of the Casino, was the operations of the Swinomish Northern Lights Gas Station. Fuel sales again more than doubled to more than 4,000,000 gallons in 2007; tribal discounts again more than doubled; and tobacco sales more than tripled. Tribal employment remained among the highest of any tribal entity, typically over 75% Tribal. The Tribe obtained legislation last year that allowed the Governor to make permanent the gas compact Swinomish negotiated in 2006. That agreement was finalized in the Fall of 2007 and is now permanent. In 2008, the SDA will construct 4 more gas pump islands and double the number of pumps in an effort to reduce long lines and provide better service.



**Ocean Shores Ramada Inn.** The hotel completed its second year of operations and is still working its way through the challenges of start up operations, although overall performance improved modestly in 2007. The hotel will continue to need financial support for the next couple years, but once the business stabilizes, we look forward to it rounding out the financial structure supporting Tribal government. Increasing land values in the area will continue to make this property more valuable to the Tribe in years to come.

**Commercial Leasing.** The SDA is also responsible for commercial leasing on the Reservation and was involved in the Shelter Bay lease negotiations, as well as rent adjustment on other tribal leases. The Office of Tribal Attorney succeeded in its arbitration related to the underlying land valuation. As a result the rent owed to the Tribe and landowners will increase substantially. The SDA is actively negotiating with potential new tenants for the area South of Highway 20 and succeeded in obtaining Bureau of Indian Affairs approval for an anchor tenant. That tenant is now evaluating the continued viability of the project in light of the changing national economic picture.

**New Infrastructure.** No development is possible without the infrastructure to support it. Roads and wastewater treatment are the two building blocks of all development. The SDA worked with Planning Department, Utility Authority and Public Works on the new \$2.5 million sewer plant to service the Tribe's economic development zone. That project was completed in October of 2007. We are now working on the design for extending its service to other areas of the economic development zone. We are also negotiating with the City of Anacortes about relocating its water line to improve the utility of the area around the Casino. The Planning Department has been actively working on the design for the \$1.7 million road to be built to serve the economic development area South of Highway 20. Construction is anticipated to begin later this year.



## GOVERNMENT AFFAIRS

The Tribe actively monitors and responds to Federal, State and local legislative changes that might affect Tribal programs and works in conjunction with other tribes and tribal organizations to educate legislators, defeat harmful legislation and promote legislation that benefits the Tribe and its membership. Swinomish led, in concert with other Tribes in the State, a negotiation regarding our gaming compacts to allow the allocation and operation of more tribal lottery system machines. The new compacts were approved by the NIGC in May of 2007.

Swinomish was at the forefront of other Tribal-State relations this year. Chairman Cladoosby again co-chaired the Annual Centennial Accord meeting of the Tribal Chairs with the Governor and tribal staff helped organize and develop the agenda for the meeting. The Tribe participates actively in the National Congress of American Indians, National Indian Gaming Association, National Tribal Self-Governance Consortium, Affiliated Tribes of Northwest Indians and Association of Washington Tribes, as well as several subject-matter specific organizations related to environmental protection, health, social services and the like, benefiting from the combined strength of the member tribes of these organizations working together to support common interests.

Legislatively, the Tribe was actively involved in responding to several bills in the Washington State legislature that would have detrimentally impacted tribal fishing rights, as well as obtaining authority for the Governor to enter into new fuel compacts and the opportunity for tribes to participate in the Public Employee Benefit Board's insurance programs. Between the legislative sessions, the Tribe participated in several work groups related to the protection of cultural artifacts and human remains, tribal law enforcement and protections for salmon habitat. We also work closely with our Federal Congressional delegation to support pro-tribal positions and appropriations.

## HUMAN RESOURCES DEPARTMENT



The Human Resource Office continues to be very busy with the hiring of new positions and replacing employees that left old positions. As of June 1, 2007, the Surveillance Operation in TGA was moved over to Casino management. Jose Maciel is the new Surveillance Director and Ron Williams is the new TGA Director. Under their leadership both departments will work well together to develop a cooperative working relationship between the Gaming Commission and Casino Management.

As the Tribal Administration grows, so do the duties of the Human Resource office. HR recently hired a new assistant, Alethia Edwards, and moved Brian Porter and TERO from the Social Services to the HR Department. With the addition of the Human Resource Assistant, some of the goals of the

Human Resource Department can be achieved. First and foremost will be the completion of the Drug policy for the employees in the sensitive areas. Second will be the completion of the Policy and Procedures. There will also be more training for Directors and Supervisor. Following TERO's move to HR, Brian Porter and I met with the Casino's new Human Resource Director, Laura Henderson and talked about ways to increase the number of Tribal members working for the Casino and Tribal Government. The main focus is still to help train and educate Tribal Members so they can compete for the positions with the Tribe when they become available.



## ACCOUNTING DEPARTMENT



During 2007, the Accounting Department had nine full time staff: a Chief Financial Officer (CFO) who manages the department, a Comptroller, a grants and contracts bookkeeper, a general ledger bookkeeper who works  $\frac{1}{4}$  time on the gas station, a payroll bookkeeper, an accounts payable bookkeeper, an accounting clerk and a staff accountant who works  $\frac{1}{4}$  time on the gas station and part time as a bookkeeping assistant. The Accounting Department is responsible for maintaining the Tribe's financial records in accordance with Generally Accepted Accounting Principles (GAAP) and applicable Federal, State and Tribal regulations. The department also plays

a key role in protecting the Tribe's financial assets by helping departments avoid waste, preparing required financial reports for 90 grants and insuring that the Tribe receives all of the funds obligated by various funding agencies and others that owe the tribe money on a timely basis. The CFO coordinates preparation of the annual budget for the Tribe and provides financial information to tribal leaders for decision-making purposes. The CFO is also tasked with risk management (insurance) for the Tribe.

The Accounting Department also maintains accounting and financial reporting responsibility for tribal enterprises including: the Gas Station, the Ocean Shores Ramada Inn and Condominium project and the proposed Hotel and Condominium development between the Casino and Swinomish Channel. Independent auditors completed their annual report for 2006 with no findings and reported all programs to be in compliance with applicable regulations.

The most important accomplishment for the Department continues to be the processing of a greatly increased workload. The Gas Station and Ocean Shores Ramada Inn have added a considerable amount of new work. The number of grants and contracts has increased every year and the growth has increased the burden on the accounting department. In 1997, there were 66 grants compared to 90 grants that we administer now. Total expenditures for the year ended in 1996 totaled approximately \$7 million. Total expenditures for 2007 exceeded \$32 million.



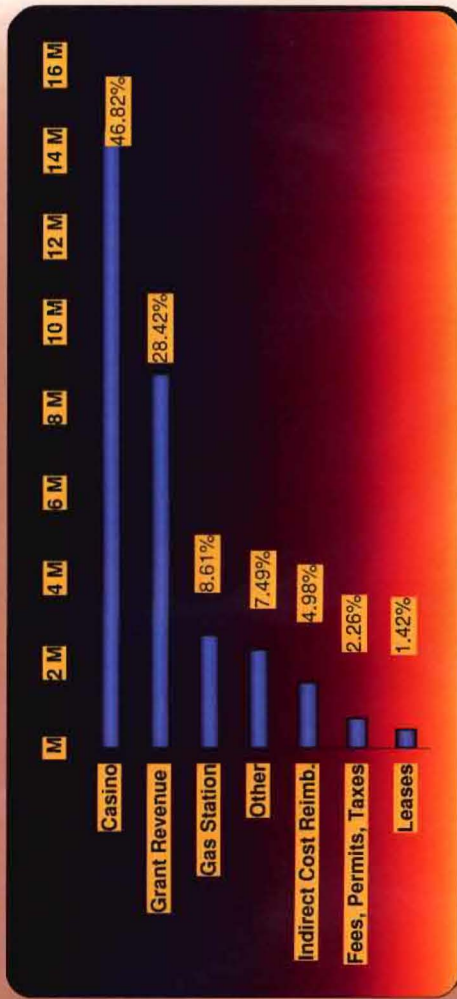


During 2007 the Tribe completed construction on the North End Water Treatment project and continued construction on the Tallawhalt housing project. Funds (\$5,000,000) came primarily from the Wells Fargo bank loan that funded in 2006.

## 2007 GOVERNMENTAL REVENUES

(Excluding Enterprise Operations)

|                       |                   |        |
|-----------------------|-------------------|--------|
| Casino                | 14,483,920        | 46.82% |
| Grant Revenue         | 8,791,544         | 28.42% |
| Gas Station           | 2,662,591         | 8.61%  |
| Other                 | 2,315,435         | 7.49%  |
| Indirect Cost Reimb.  | 1,541,589         | 4.98%  |
| Fees, Permits, Taxes  | 698,617           | 2.26%  |
| Leases                | 439,466           | 1.42%  |
| <b>Total Revenues</b> | <b>30,933,161</b> |        |



## 2007 GOVERNMENTAL EXPENDITURES

(Excluding Enterprise Operations)

|                             |                    |        |
|-----------------------------|--------------------|--------|
| General Government          | 8,690,481          | 26.75% |
| Capital                     | 7,607,385          | 23.41% |
| Debt Service                | 4,040,347          | 12.43% |
| Health                      | 3,581,286          | 11.02% |
| Law Enforcement             | 2,652,827          | 8.16%  |
| Resource Protection         | 2,297,132          | 7.07%  |
| Social Services             | 2,044,316          | 6.29%  |
| Education                   | 1,224,775          | 3.77%  |
| Economic Development        | 216,525            | 0.67%  |
| Gas Station                 | 137,908            | 0.42%  |
| <b>Subtotal</b>             | <b>32,492,982</b>  |        |
| <b>Addition to Reserves</b> | <b>(1,559,820)</b> |        |
|                             | <b>30,933,161</b>  |        |

